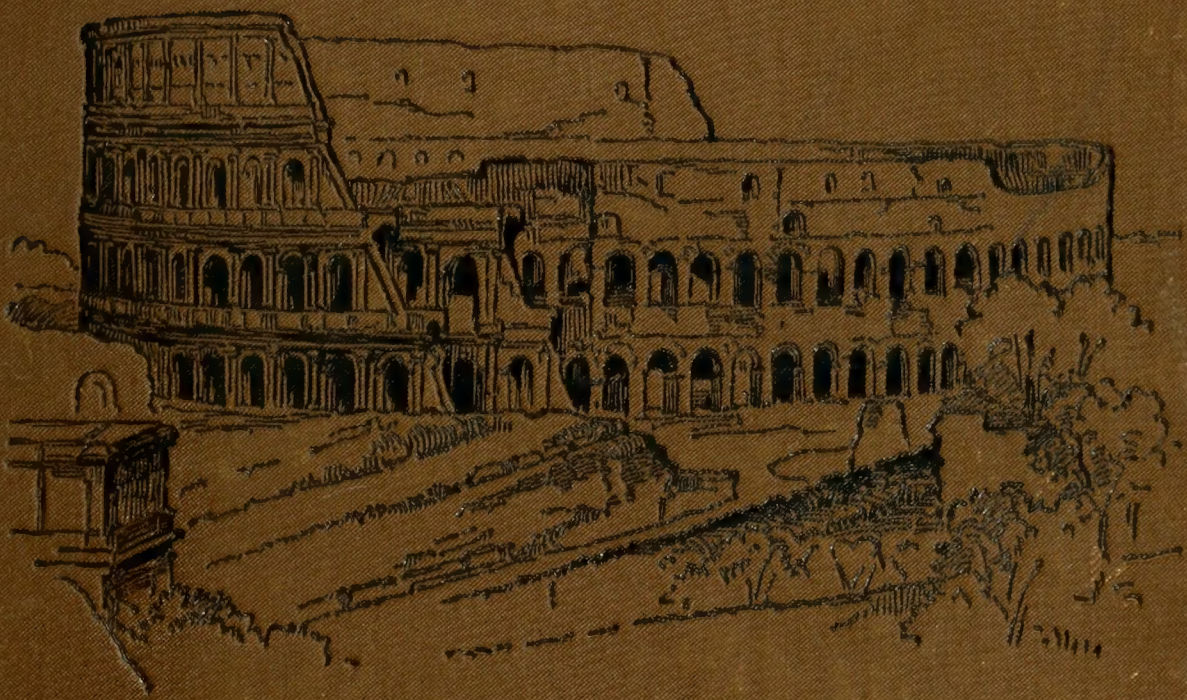


DURUY'S HISTORY
OF
ROME





HISTORY OF ROME

AND

THE ROMAN PEOPLE.



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SILVER VASES FOUND AT BERNAY

HISTORY OF ROME,

AND OF THE ROMAN PEOPLE,

FROM ITS ORIGIN TO THE INVASION OF THE
BARBARIANS.

By VICTOR DURUY,

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AND NUMEROUS CHROMO-LITHOGRAPHS.

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HISTORY OF ROME.

THE EMPIRE AND ROMAN SOCIETY

IN THE FIRST TWO CENTURIES OF OUR ERA

(CONTINUED).

CHAPTER LXXXII — (*Continued*).

THE FAMILY.

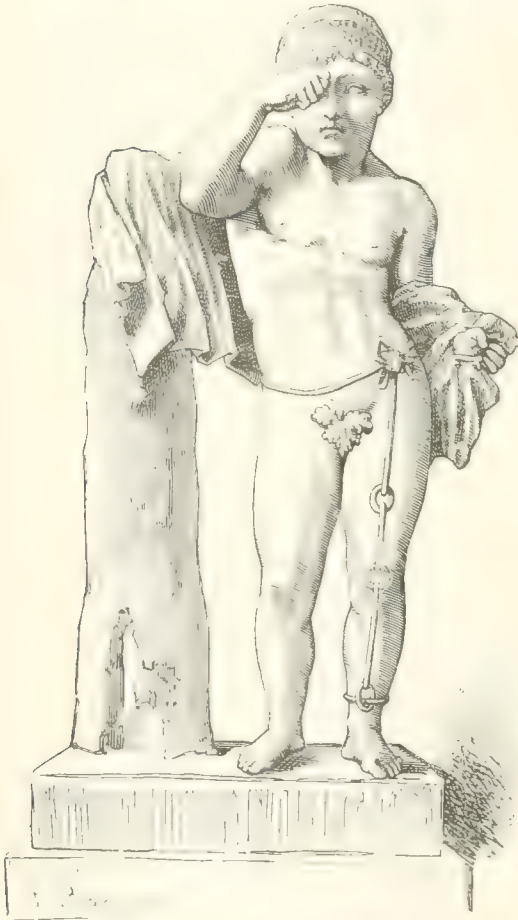
IV. — MASTER AND SLAVE ; PATRONUS AND FREEDMAN.

HOMER shows us, in the palace of Ulysses, twelve women employed night and day in grinding corn for the house, *i. e.*, for perhaps two hundred persons. We now have flour-mills in which twenty-four workmen can grind every day by machinery as much corn as will furnish bread for a hundred thousand men. In ancient societies an enormous amount of manual labor was required to supply the simplest wants of life ; so that slavery was then a necessity, as, for other reasons, it so long seemed to be in European colonies within the tropics.

In the Roman Empire a person was born a slave or became so ; slavery was kept up by birth, commerce, and war. Anciently the creditor sold the insolvent debtor ; magistrates, the citizen who refused military service ; and the father, his own son. These sources of slavery became less abundant as manners became milder, but without entirely disappearing : not until the time of Caracalla and Diocletian do we find rescripts which protect the child and the insolvent debtor against servitude imposed by the father and the creditor.¹ Against piracy, another source of slavery, the Emperors

¹ *Code*, vii. 16, 1, and iv. 10, 12 (*anno* 294).

constantly strove, keeping careful watch along endangered coasts. Hadrian broke up the *ergastula*, where many persons of free birth were kept as slaves: and Trajan granted to children exposed or stolen a perpetual right of claiming their original free condition.



SLAVE CHILD (VILLA BORGHESE).

Lastly, by an interpretation favorable to liberty, Hadrian and the juriconsults admit that if the slave-mother had been free for any period during her pregnancy her son should be born free.

According to the rigor of primitive law, the slave belonged to his master as a chattel; he had no will of his own, he was not a person, and consequently the protection of civil law did not extend to him. He did not contract marriage; his union was a mere physical fact (*contubernium*), and his children "were an increase" to the master's benefit. However, at the Saturnalia he enjoyed a short space of liberty; at the Compitalia

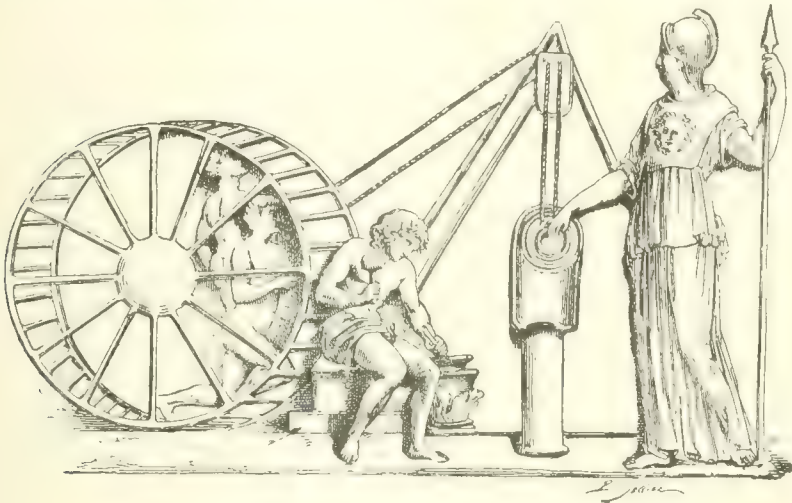
he offered sacrifices like the free-born: Minerva shielded his labor, and religion protected his tomb.

But absolute logic yielded by degrees to humanity; and the Emperors, without touching the actual principle of slavery, which was one of the bases of ancient society, progressively softened its rigor. "In civil law," said Ulpian, "the slave is nothing: in natural law, all men are equal."¹ It was impossible but that this philosophic doctrine held by the juriconsults should penetrate

¹ *Digest*, l. 17, 32.

here and there into the laws when equity was entering into them from every side, and the interest of the master when properly understood counselled kindness towards his slaves.¹ Cato has no great reputation for mildness, yet he allowed his wife to give the breast to the children of their slaves, in order that with her milk they might imbibe affection for her own son.²

A Petronian law, which perhaps dates from Augustus, several *senatus-consulta*, and a rescript of Hadrian, prohibited the master



MINERVA OVERLOOKING SLAVES AT WORK.³

from delivering up his slaves or selling them to fight in the arena without some legitimate cause verified by public authority, and Marcus Aurelius nullified clauses in wills to the effect *ut cum bestiis pugnarent*.⁴

The slave incurably ill was turned out of doors. Claudius decided that if a master abandoned a slave suffering from serious infirmities, the latter should be free, and that if the master killed him he should be indicted for murder. Antoninus, plainly defining the penalty, punished the master as though he had slain the slave

¹ See the care that Columella took of his, even of those whom it was needful to keep in chains. In his house every slave woman who had three children was set free from labor, and she who had more was emancipated (*De Re rust.* i. 7-8).

² Plutarch, *Cato*, 20.

³ Bas-relief found at Capua, bearing an inscription commemorative of the construction or restoration of the theatre of that city. Cf. Guhl und Koner, *Das Leben der Griechen und Römer*, p. 685.

⁴ *Digest*, XVIII. i. 42.

of another man.¹ Now this penalty was for the *honestiores* banishment, for the *humiliores* death.² Antoninus even decided that if slaves who had fled to temples or to the statue of an Emperor could prove to the magistrates that they had been cruelly treated, the master should be compelled to sell them.³ Hadrian had already taken away, in the most serious cases, the right of the master to cause his slave's death; domestic justice subordinated to public justice could carry out a capital sentence only after a magistrate's decision.⁴

We see then that under the Empire, and chiefly by the Antonines, the slave was protected against extreme violence; so was he also against bad treatment, and even as regards his honor. He was allowed to lodge a complaint against his master for cruelty, deprivation of food, attempts on modesty.⁵ Hadrian condemned to five years' banishment a matron who for very slight reasons misused her slaves. In fact legislation came very near allowing the slave rights as a husband and father. He could not indeed contract a legitimate marriage, but the natural parentage which resulted from the union was considered after emancipation to constitute a new civil hindrance to marriage. Some regard was paid to the feelings and affections of slaves. At sales separation was interdicted of father and son, husband and wife, brother and brother; and the reason that Ulpian gives for this is implied in the word *pictus*, which contains the idea of religious justice and humanity.⁶ Later it was established that the slave attached to farm labor and inscribed on the registers of the land tax could not be separated from the estate.⁷ The law interposed even between him and his master to prevent the latter from compelling the slave to do work which was degrading to

¹ *Inst.* i. 8, sect. 2. See Vol. IV. p. 526.

² *Digest*, xlviii. 8, 5, sect. 5. Constantine, more indulgent towards the master, required for the application of this penalty that the slave should have been killed at one blow, which allowed the former in many instances to escape the rigor of the law (*Code*, ix. 14).

³ Gaius, i. 53.

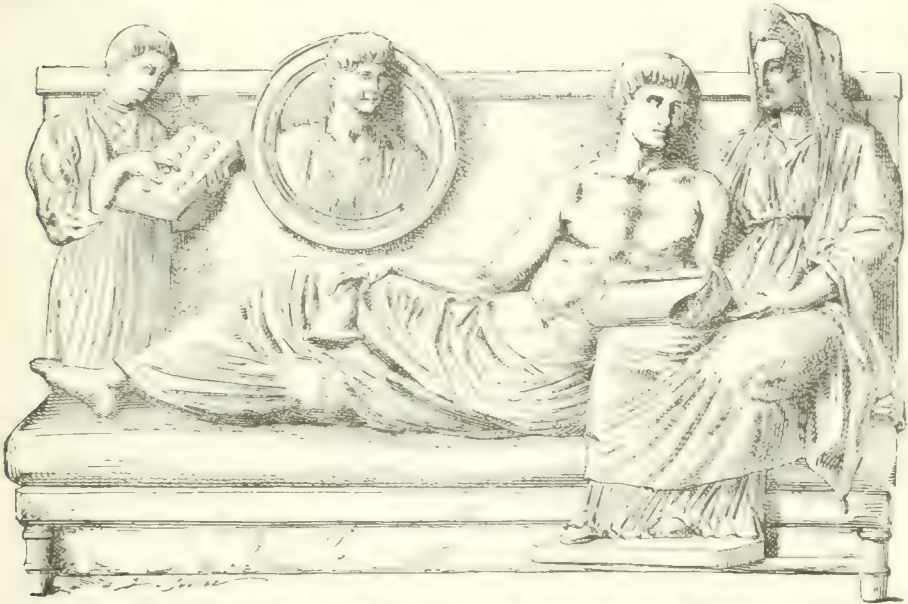
⁴ See above, p. 397.

⁵ Rescripts of Antoninus (in the *Digest*, i. 6, 2) and of Septimius Severus: . . . *Praefecto Urbis datum est ut mancipia tuatur ne prostibuantur* (*ibid.* 12, 8).

⁶ *Digest*, xxi. 1, 35, and xxxiii. 7, 12, sect. 7: . . . *Neque duram separationem injunxisse credendus est*. Cf. Paulus, *ibid.* xxi. 1, 39; Scaevola, *ibid.* xxxii. 41, sect. 2: *pietatis intuitu*.

⁷ Valentinian and Valens, in the *Code*, xi. 47, 7. [He was in fact made a serf, as the Russian peasant was till lately. —Ed.]

him; for example, to make a handicraftsman of a literary man, or a porter of a musician. Cato would have felt indignant at this intermeddling of the magistrate with domestic discipline, and the intractable conservative would have been right, for it was nothing less than the beginning of a revolution. Humanity was then making one of its great social advances. These laws indeed were not devised by a few wise men in advance of their time: they were called for by the manners of the day, which in their turn were the result of the new modes of thought, feeling, and living which



AN EDUCATED SLAVE CALCULATING BEFORE HIS MASTER.¹

prevailed in that immense Empire. Juvenal, so stern towards the noble and the rich, is full of sympathy for the slave, "whose body is made of the same clay as ours," full of anger against the master, "who delights to hear the crackling sound of the thong, — a music sweeter to him than the song of the Sirens."²

Thus the slave ceased to be a chattel, he became a person: and in teaching the equality of all before God, Christianity, now drawing near, was destined to introduce still more humanity into the relations of the master with his slaves. In respect to the legal condition of the latter it will do nothing more than the Antonines

¹ Sarcophagus in the Capitol, *Museo Capito.* vol. pl. xx.

² *Sat.* iv. initio.

did. The Empire was rewarded for this solicitude : it had not one servile war, while republican Rome had had four.¹

As regards third parties, the slave remained his master's tool. All harm done to him was damage done the master, and the latter sought reparation by special actions. Thus the Aquilian law gave the master whose slave had been killed the right of demanding from the perpetrator of the murder the highest value of the slave during the last year ; an indemnity was also granted in the case of simple wounding. " The praetor," says Ulpian, " must punish an injury done to a slave." Doubtless it was the master's property which the law protected in the slave ; at the same time, without effacing from him the stamp of servitude, it obliged the master and the rest of free men by degrees to recognize him as also a man.

The slave was unable to hold property ; all that he gained was for his master's profit : that was the rule. But this rule was by degrees modified in practice. Most of the industrial population being in servitude, masters found it advantageous to interest the slave in the profits of their business by allowing him the free disposition of a *peculium*, which served as the capital employed in carrying on the work. In law, this *peculium* belonged to the master ; but as a matter of fact he rarely took it. He even found it for his advantage to promise the slave his liberty when the latter should have saved up a certain sum, and the law gave the decision that in the absence of any expressed statement to the contrary, the gift of liberty should carry with it the gift of the *peculium*. Thus was brought about a situation which would have seemed most strange to an old Roman, — the master kept an account with his own slaves ; and while the natural obligations created by these business relations were not legally protected, a civil security could be added to them.

In the employment of a *peculium* there was need to contract active or passive obligations, and the slave had neither the right of binding himself personally nor of binding his master. The praetor secured the new condition of the slave by creating the action *de peculio*, by means of which third parties might obtain their due from the master to the amount of the *peculium*. In

¹ See in Vol. II. the two servile wars in Sicily, that of the gladiators in Italy, and the war against the pirates.

this case the slave seemed to be acting in his own name; but when he was the mandatory of his master, the latter was put under obligation. The slave placed in charge of a business or a maritime expedition bound his master also for the fulfilment of all engagements made by him in the exercise of his functions. Lastly, if the master had not authorized the negotiation or the industrial undertaking of his slave, he could at least be sued to the amount of the profit he had derived therefrom. The state recognized in public slaves, who were very numerous and in a very easy condition, the right of disposing by will of the half of their *peculium*, and the younger Pliny allowed his slaves to dispose of the whole in favor of a fellow-slave. No doubt many masters did the same, and even better, by not requiring that the *peculium* should remain in the *familia*, where the master could always legally appropriate it.

A rescript of Caracalla runs thus: "The slave presented for enfranchisement must render an account of his management." That it was needful to make a general law on this subject proves that many slaves were intrusted by their masters with the conduct of industrial or commercial affairs.¹ History shows, in fact, a great number of persons of servile condition who were confidential advisers of their rich masters, *employés* of governors in the offices of the provincial administration, even of the Emperor in the innumerable *officia* of the palace,² and some enjoying large credit, or making display enough in their manner of living to cause envy even to the noblest of the patricians. Thus a slave belonging to Tiberius, imperial treasurer at Lyons, makes the journey to Rome with an escort suitable for a prince,—a physician, three secretaries, an agent, a treasurer, a servant, two cooks, two money-changers, and two lackeys. At Pompeii another acts as a banker, and on the receipts given in the name of the duumvirs he puts his seal by the side of that of the city magistrates.³

¹ . . . *Nisi prius administrationum rationes reddiderit quas, quum in servitute esset, gessisset* (*Digest*, xl. 12, 34).

² The *Digest* (xlix. 14, 30, and 46, 47) frequently mentions *actores*, slave administrators of properties lapsed to the treasury, and prohibits procurators from alienating them by sale or manumission without the Emperor's consent, because the treasury has need of slaves who are well acquainted with the management of estates. The researches made recently in an ancient cemetery in Carthage prove that the subordinate offices of the proconsulate were filled by slaves and freedmen who lived and died in them.

³ Tablets found in 1875 (*Le Tavolete cerate di Pompei*, by De Petra).

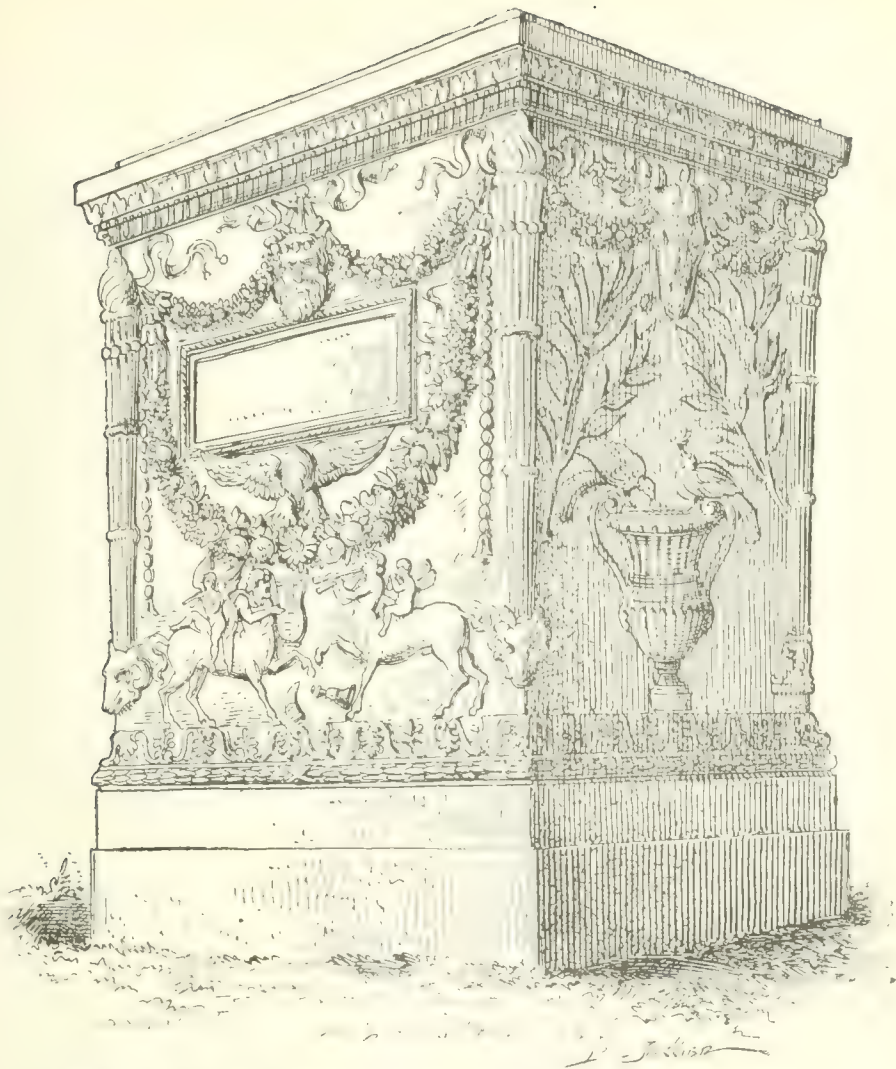
All this was not yet for the slave the ownership of his own person and property, but it was the beginning of it; and if even under the Antonines he was still an instrument of labor, he was no longer treated as a thing which may be thrown away or broken at will: human personality was recognized in him. Marcus Aurelius went so far as to give him the right of prosecuting his master if the latter refused to grant the enfranchisement of which he had received the price, which he had been obliged to promise at the time of purchase, or which a testator had made obligatory upon him.¹

As a conspicuous symbol of the protection accorded by the Empire to the most wretched, the Emperor's statue was an inviolable asylum for the suppliant slave who came and embraced its knees.

The more recent legislation, therefore, showed itself milder for the slave. It protected him against violence and allowed him to increase his *peculium*, it acknowledged his right to appeal against injustice, and it had dried up some of the sources of servitude; but it did not open to him a broader road to liberty. Of the two laws which till Justinian's time regulated enfranchisements, one of them, the *lex Junia Norbana*, had created a sort of half-servitude which facilitated the escape from slavery, though making the complete acquisition of liberty more rare;² the other, the *lex Aelia Sentia*, limited the number of those enfranchised by will. The tax of the twentieth on enfranchisements arrested the goodwill of the master, who saw himself obliged to make a double sacrifice, since he had to give a sum of money to the treasury at the same time that he gave liberty to his slave. Finally, a council composed at Rome of five senators and five knights, and in the provinces of five *recuperatores*, all Roman citizens, were to examine into the reasons for the enfranchisement; so that the master might indeed by the act of setting free deprive himself of his property, but there remained to the civil power, as represented by the council, the right of deciding whether the new citizen was worthy to

¹ On the whole question of slavery, see M. Wallon's book. The print given on the next page represents a monument erected to Amemptus, a freedman of the Empress Livia: *Dona Aug(ustae) libertus*. We give one of the sides and the reverse of the monument, as well as the bas-relief which decorates the principal face, - a scene which to the ancients was a picture of future happiness (Museum of the Louvre, Frohner, *op. cit.* No. 513, pp. 342 *et seq.*).

² See Vol. IV, pp. 112, note 3; 113, note 4; 134, notes 3 and 4; and 371.



SEPULCHRAL CIPPUS OF A FREEDMAN (SEE P. 8, N. 1).

obtain citizenship.¹ In spite of these obstacles, many freedmen, escaping from servitude, obtained riches, but not honors.² Tacitus remarks with bitterness that the Germans knew how to keep in an inferior condition those parvenus who at Rome eclipsed the oldest families with their insulting luxury, or, like Narcissus and Pallas, took advantage of their master's vices to govern the Empire.³

The freedman became, according to circumstances — a *citizen*, without, however, possessing all the rights of the Roman by descent: a *Junian Latin*, whereby he lived as if free, but died a slave, his estate going to his patron, as the *peculium* did to the master;⁴ a *peregrinus dediticius*, who was prohibited from approaching Rome. Sometimes, however, every trace of his former condition was obliterated, so that he could enjoy all the rights of citizenship and attain honors in general refused to the freedman. Caesar and Augustus, who created patricians, created also *ingenai*, — that is, recognized as born in liberty some who had been born in servitude; and the juriconsults found a motive of humanity for this modification of the old law. They said: “In this case respect is paid to the state in which all men were at their origin, and not to that whence the freedman has come forth.”⁵

The freedman was under the obligation of considering his former master as a father: he took his name and remained connected with his family. These relations, established by Roman manners, were embodied in a number of legal obligations. First of all was respect and deference towards the patron; who, in order to secure these from his freedmen, was armed with a right of correction, which the Emperors softened by requiring the intervention of the magistrate, but did not suppress entirely. Patrons might strike their freedmen, — as is shown in the case of the one whom

¹ Gaius, i. 20.

² The freedman was unable even to enter the curia of a provincial city, and in early times he was forbidden the army (*Code*, xi. 21, *ad leg. Visell.*).

³ *Germ.* 25, and the famous passage (*Ann.* xiii. 27): . . . *late fusum id corpus [libertorum]: hinc plerumque tribus, decurias, ministeria magistratibus et sacerdotibus, ceteros etiam in urbe conscriptas et plurimis equitum, plerisque senatoribus, non aliunde originem trahi.*

⁴ This condition of the Junian Latin was like that of those subject to mortmain in the Middle Ages.

⁵ This was the *restitutio natalium*, which effaced all trace of servile birth, and the *jus aurorum amittendum*, which opened the path to honors.

the younger Pliny protected from his master's blows.— could have them exiled beyond the twentieth mile,¹ at a later period could have them sent to the quarries or subjected to a penalty fixed either by the prefect of the city or the governor of the province. Claudius had decided that a freedman bringing a suit which involved the status of his patron should lose his liberty. Commodus generalized the principle that ingratitude on the part of the freedman should cause his relapse into servitude.² Even in the case of actually proved adultery between the patron and the freedman's wife, the freedman must not kill his former master. "For," says Papinian. "if he is bound to spare his reputation, he is in greater reason bound to spare his life."³ This obligation of respect was imposed on the freedman and his children even towards the children of the patron. Pliny, when soliciting from Trajan citizenship for several Junian freedmen, takes care to tell the Emperor that he has previously made sure of their patrons' consent.⁴

By an application of this principle the freedman needed the praetor's permission in order to sue the patron and his parents or children. He was forbidden to bring against them a suit involving infamy except for very grave reasons, and never one involving capital punishment. He owed them help in times of need, and could never refuse the administration of their property or the guardianship of their children: Vergil consigns to the infernal regions⁵ the freedman who has betrayed his patron. Lastly, the

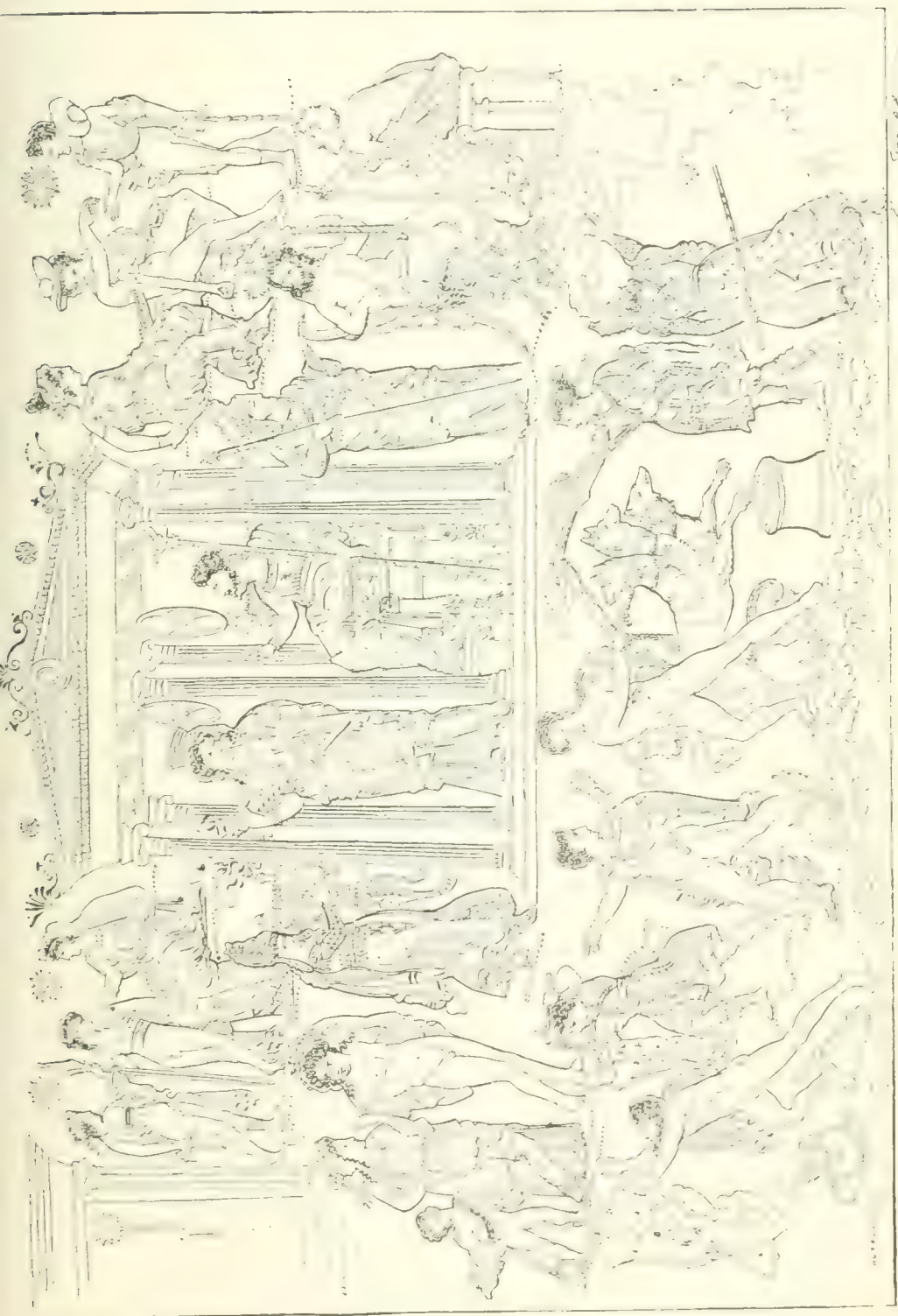
¹ According to the law *Aelia Sentia*, passed under Augustus.

² Tac., *Ann.* xiii. 26 and 27; *Digest*, xxxvii. 14 and 15. Cf. Accarias, *Précis de droit romain*, i. 74.

³ *Digest*, xlvi. 5, 38, 69.

⁴ *Epist.* x. 6.

⁵ The print on the next page in the lower portion represents some of the legends relating to the infernal regions,—Sisyphus pushing the rock and urged by a Fury with her whip; Mercury, the messenger of the dead; Hercules chaining up Cerberus, while a Fury tries to repulse him with torches; Tantalus, the king of Phrygia, in Asiatic costume, trying to seize fruits which always escape his hand. In the upper part, in a magnificent temple, Dionysus Chthonios, the infernal Bacchus, to whom Ceres has come to ask back Proserpine, whom she has sought with a lighted torch throughout all the world. On the right the three judges in Hades, and above them perhaps Theseus and his friend Pirithous, delivered from their captivity in the infernal regions and protected by Minerva (?). To the left Orpheus playing the lyre, and two groups difficult to explain. The two young men with a star above their heads are perhaps the Dioscuri with their mother Leda, herself also become a divinity. Is the other group on the left, in contrast to the condemned of the lower part, a family of the blest making their way to the Elysian Fields across the kingdom of Hades? See Millin, *Les Tombeaux de Canosa*, pp. 5–23, folio.



THE INFERNAL REGIONS, OR KINGDOM OF HADES (FROM A VASE OF CANOSA).

patron and his descendants were the legal guardians of the freedman, were even his heirs if the latter left no children, and were in any case the heirs of the freedwoman. Marcus Aurelius abolished this distinction; and since the passing of the Orphitian senatus-consultum the children of a *libertina* inherited from their mother.

Enfranchisement was often accompanied by onerous conditions. For example, the freedman engaged under oath, or in the form of a written stipulation, to make presents in certain circumstances and to render services either of respect (*officiales*), — which ceased at the patron's death, unless it had been expressly stipulated that they should be continued to the children — or of utility (*fabriles*), which passed to the heirs of the patron along with the estate. A special interdict, *de liberti hominum calibendo*, furnished sanction to this obligation. The freedman's services then had a real value for the patron; but they were not considered as commercial transactions, and the law *Actia Sentia* forbade setting on them a value in money.

When the enfranchisement was not entirely free and spontaneous, the rights of patronage were considerably diminished. Thus the heir who enfranchised a slave in fulfilment of a trust could not accuse the freedman of ingratitude, or demand supplies from him, or impose on him the obligation of services. He even lost his right of patronage if he had set the slave free when compelled by legal authority. The refusal of provisions¹ or the abuse of authority on the part of the patron brought the loss of the right of patronage. But these relations were as a rule marked by respect on the one side and affection on the other. At the time of the triumviral proscriptions the fidelity of slaves was remarked; under the Empire, freedmen were the habitual confidants of their patrons, and many in time of need their devoted servants, even to death and dishonor. A senator kills a woman who refused to marry him, and is accused of murder: his freedman assumes the crime as his own, and exposes himself to a frightful punishment, by declaring that it was he who struck the blow to avenge his master.²

Thus they in fact formed a part of the family; often the patron chose them to be his heirs.³ At Nicomedeia and in many other

¹ *Digest*, xxxvii. 14, 5, sect. 1. ² *Tac., Ann.* xiii. 14. ³ *C. I. L.* vol. iii. No. 328.

places the master builds a tomb to his "very faithful and very loving slave."¹ In an epitaph on the Appian Way a freedman of Cotta Messalinus relates that his patron gave him at different times to the amount of four hundred thousand sesterces, — *i. e.*, sufficient to raise him to the rank of knight; that the patron undertook the education of his children; that he gave dowries to his daughters like a father, and aided his son to attain the rank of military tribune; and that, finally, he has at his own expense provided



SEPULCHRAL REMAINS, ON THE APPIAN WAY.

this funeral monument.² Many did even more, — they admitted their freedmen to lie beside them in the tombs they had built for themselves, so that even in death the *paterfamilias* was surrounded by all his household. This custom, which was general, shows how strongly the Roman family was constituted. Cotta was a friend of Tiberius. A century after, the younger Pliny inserted in his will a legacy of nearly two million sesterces, the interest of which was to be employed in the support of his hundred enfranchised slaves.³ The provident solicitude of the master for those who

¹ *Inscr. de Lyon*, Nos. 113, 376, 505; Heuzey, *Mission de Macédoine*, p. 41.

² Henzen, *Annales de l'Institut*, 1865, p. 6.

³ The legacy amounted to 1,866,666 sesterces, the annual interest of which at 6 per cent would amount to 111,999 sesterces, for each freedman 1,119 sesterces, or a maintenance of about

had served him was indeed one of the moral obligations which this society imposed. Is it as much observed in modern times?

We have seen that the Emperor's freedmen were very important personages; in due proportion it was also often the same in families and cities, and for this we have given the reason already.¹ Many slaves gained liberty by their vices; but many also by their ability, and some by their virtues. We know what Cicero thought of Tiro, his *libertinus*, or rather his friend. One of this class, on whom had rested the burden of two servitudes, since he was the freedman of a freedman of Augustus, had this inscribed on his tomb: "Religious and of pure morals, I have lived as much as possible without lawsuits, quarrels, or debts. I was faithful to my friends, poor in goods, but rich in heart."²

The relations between patron and freedman formed a clearly defined legal condition; it was by no means the same as regards the relations between clients and him whom they styled their lord and king (*dominum regemque*). Of this relation we shall therefore speak only in the chapter on the City.

V. PERSONS IN MANCIPIO AND THE COLONI.

THE father invested with the *potestas* could sell his child to a third person. This sale, which took place by mancipation, gave the purchaser a right called *mancipium*, which was nearly equivalent to the right of property. The person *in mancipio* was considered as a slave. Moreover, while the *patria potestas* and the *manus* ceased at the death of the father or the husband, the *mancipium*, or right of property, passed to the heirs of the purchaser. The person *in mancipio* had no longer any political rights, but preserved

\$50. After the decease of the pensioners this revenue was to be used in defraying the cost of an annual banquet for the citizens of Como (Orelli, No. 1,172). See Vol. V. p. 506, a still more important foundation of Dasumius, and in the *Herodes Atticus* of Vidal Lablache (p. 52) the funeral inscriptions which witness so vividly to the affection of Atticus and his wife for their freedman Polydeucion.

¹ Vol. IV. p. 522.

² Wilmanns, 2,704. See, in Wallon, *Hist. de l'esclavage*, iii. 62-75, all the ameliorations introduced by jurisprudence into legislation relative to enfranchisements.

his condition of birth and could bring an action for damages against his master. His previous marriage remained good, and his children preserved their liberty. Like the slave, the person *in mancipio* made profit for his master, and the obligations contracted by him were legally payable only from the property which he would have possessed had he not fallen into that condition. Moreover, the usage of *mancipium*, like that of *manus*, became more and more rare, and was restricted to the case in which the son having caused an injury, the father gave him *in mancipio* to the injured person, by way of indemnity.

The insolvent debtor adjudged to his creditor, *addictus*, and working on behalf of the latter until he is indemnified; the *auctoratus*, who was sold as a gladiator; the Roman, a prisoner of war ransomed by another Roman, — were in a similar condition.

We find like relations of dependence in the colonial system, which made a beginning before the time of Constantine, being developed early as a social necessity in proportion as the class of small farmers diminished and large estates were formed.¹ To bring the *latifundia* into culture, from the failure of free labor the proprietor established slaves there whose interest he made it to draw the largest produce possible from the lands, and also free laborers, who were either farmers paying a money rent or *coloni* dividing the produce with the owner. We have nothing to say of this leasehold farmer except that the leases constantly were made longer, so as to become gradually changed into a perpetual rent-charge or long-term lease. "The cities," says Gaius, "never resume occupation of the land so long as the farmer or his heirs pay the rent."² and the colleges, corporations, etc., did as the cities. As for the slaves employed in the cultivation of the estate, while still chattels of which the master may dispose, they were in the interests of the domain left on the soil and customarily transferred with it. In order to determine at a census the value of a landed estate, the slaves "who stocked it" were reckoned in. The usage became established of considering them as attached to the soil. Marcus Aurelius confirmed that usage,³ and the Emperors of the fourth century prohibited a sale of the slaves without the land.

¹ See what Columella (i. 3) and Appian (*Bell. civ.* i. 7) say of the *latifundia*.

² *Comm.* iii. 145.

³ *Digest*, xxx. 112.

or of the land without the slaves.¹ Here we see the appearance of the serfs of the soil.

The metayer tenure also begins a new rural condition, which the Middle Ages were to inherit. "There shall be included," says a rescript of the Theodosian Code, "in the survey of the estate the slaves and the domiciled peasants or *coloni*." Cato, Varro, and Tacitus make mention of these laborers; Columella gave to the proprietor of several estates this rule for good management,—that he should cultivate the land on which he resides by means of his slaves, but the rest of his land by the free *coloni*. He desired that the *coloni* should be hereditary. "The most prosperous domain," he says, "is that which the laborers till who are born on it."² This wish was fulfilled: there are inscriptions speaking of laborers who have been on the same land twenty-three, fifty years,³ and Tacitus was already aware of the fact that these cultivators owed to the landlord a fixed quantity of corn, cattle, and clothing.⁴

Private individuals had *coloni*; the state and the emperor, represented by the two administrations of the treasury and the *res privata*, had many more. In the time of the Antonines the law was already concerned in the *coloni Caesaris*, and Hadrian made general regulations concerning them.—a fact which leads us to suppose that this rural class was very ancient.

There were several sorts of *coloni*, or farm laborers. Some, holders of a long term, or even hereditary, paid to the farmer a fixed rent or a part of the produce,⁵ and owed the state the poll-tax and military service. Others, settled on a vast imperial domain (*saltus*), the greatest part of which was farmed out to one or more *conductores*, paid the usual rent in cash or in kind, but in addition furnished obligatory labor to secure a return from the land of the treasury. In a document recently discovered, the farm laborers

¹ Constantine and Valentinian I. in the *Code*, xi. 47, 2 and 7.

² ix. 42, 7.

³ *Felicitissimus fundus qui centenos in illius locis habet* (i. 7).

⁴ Mommsen, *Inscr. Nœp.* Nos. 2,572, 2,591, 5,504; Orelli, No. 4,644.

⁵ *Frumenti modum dominus aut pecoris, aut vestis, ut colono, injungit* (*Germ.* 25). Cf. Pliny, *Epist.* iii. 19.

⁶ *Colonus . . . qui ad pecuniam remuneratione comparuit . . . partiaris colonus [qui] quas societatis jure et damnum et lucrum cum domino fundi partitur* (Gaius, in *Digest*, xix. 2, 25, sect. 6).

(*coloni*) of the *saltus Burunitanus* complain to Commodus that, contrary to Hadrian's law, the domain farmer (*conductor*), upheld by the procurator, exacts of them more than the regular obligations or labor-dues, which are, annually, two for digging, two for weeding, and two for harvesting. To their complaints, they say, the answer has been imprisonment, and in spite of their being Roman citizens blows of such severity that some have died under the rod. An imperial letter recalls the agents of the treasury to the observation of the ancient customs.¹ This condition of Roman farm laborers was the same with that of the Wallachian peasantry a few years ago in relation to the Boyards, and it would not be surprising if this kind of tenure were traceable back to Trajan's time.

To the free laborers who chose this life were added numerous Barbarian captives. Instead of selling them, the Emperors distributed them among the great land-owners. Thus did Marcus Aurelius, Claudius II., Aurelian, Probus, and many other Emperors. Augustus had shown them the example of transporting entire peoples into places where men were brought into the condition of serfs sold along with the land (*venalis cum agris suis populus*).² We read in an ordinance of the year 409, in the Theodosian Code, that after the conquest of the country of the Scyri the praetorian prefect was authorized to deliver those Barbarians to such persons as might ask them of him, to cultivate the fields, not as slaves, but under the name of *coloni*.

The obligations imposed on the *coloni* of the domain of Burunitanus were very mild; but the rents and obligatory services must have greatly varied, and were in many places very onerous. We have a proof of this in an ordinance of Constantine prohibiting the exaction of extraordinary labors in seed-time and harvest, in order that the *colonus* should not be prevented sowing his own land and reaping his corn at the fitting time.³

¹ See, in the *Journal des Savants*, of November, 1880, the text of this inscription, found by M. Tissot in Tunis, and an interesting study by M. Esmein, who convincingly combats Mommsen's opinion on certain points. We were already acquainted with a similar, but less important, inscription for the imperial domain of Saepinum in Samnium (Wilmanns, 2,841).

² Pliny, *Hist. nat.* iii. 20. It was the lot, under Augustus, of the *triumpilini*. Elsewhere we shall speak of the *dediticii*, *foederati*, and *laeti*.

³ Code, xi. 47, 1: *Numquam sationibus vel colligendis frugibus insistentes agricolae ad extraordinaria onera detrahantur*. These texts do not belong to the history of the Earlier Empire, but they illustrate it. Husehke (*Ueber den Census*, pp. 156 et seq.) believes that the

After the dues to the masters came those to the state. — the poll-tax, military service, the dues to be paid for the transport and sale of his produce at the neighboring market, taxes which were light in early times, but later became very heavy, especially when the master, legally responsible for the debts of his *coloni*, came to add to the demands of the treasury those of a proprietor growing more and more exacting as he became overburdened with debt.

These *coloni* were free, and their marriages were legal; they were able to acquire substance, and some of them reached such easy circumstances as, in spite of their condition, caused them to be called upon by the curia to aid the *possessores* in bearing the weight of the *munera*.¹ The law exempted them from this, in order to reserve all their resources for the improvement of their farming, from which the treasury benefited, *ut idoneiores prædiis fiscalibus habeantur*.² In the end they owed only their rents and established labor-dues; if the farmer on his estate, or the *conductor* on the imperial domain, asked more, the judge or the Emperor interfered.

But one condition, which in time became more general, is to be set off against these advantages: namely, that the *colonus* was attached to the soil. He was transferred with it to the purchaser of the property,³ and the proprietor had over him later, if he has not already, a right of correction: the *colonus* who abandons the land is treated as a runaway slave. Moreover, in the case of the *colonus* as of the slave, we must allow for arbitrary conduct.

colonial system was established by Augustus; this is to go very far back and to attribute to a man the accomplishment of one of those slow social revolutions which manners prepare and the law afterwards consecrates. Yet the mention of a regulation made by Hadrian proves that the colonial system was very old, since this intervention of the sovereign had been necessary to correct abuses which had had already time to arise.

¹ For the *Munera*, see the *cap. seq.*

² *Digest*, l. 6, 5, sect. ii., confirmed by three laws of Constantine, in the *Code*, xi. 67, 1-3.

³ A rescript of Marcus Aurelius and Commodus (*Digest*, xxx. 112) says: *Si quis inquilinus sine prædiis quibus adhaerent legaverit, contrarius est legatum*. It may be that the *inquilinus* of this text is a *servus*; but the date when the slave might be fixed to the soil must have been very nearly the same with that on which the *colonus* was attached to it. Ulpian, at the beginning of the third century, confounds them in this respect: *Si quis inquilinum vel colonum non fuerit professus . . .* (*Digest*, l. 15, 4, sect. 9); and if the *coloni* of the *salus Eboracenses*, some of whom died under the rod, had not all fled away, it was only because they were unable to do so. A law of Theodosius says (*Code*, xi. 51, 1): *Coloni . . . originario jure teneantur et licet conditione videantur ingenui, servi tamen terrae ipsius, cui nati sunt, existimentur*.

If the *colonus* had rights, the judge was far away, to enter a complaint was dangerous and difficult; and when the recruiting officer requires of the proprietor his contingent of soldiers, the latter will select as he pleases from his *coloni*, and those with whom he is dissatisfied will be sent "to bend the back under the centurion's vine-rod."¹ Salvianus compares them to the victims of Circe, the terrible magician who changed men into beasts; he says, "The master receives them as voluntary residents, and keeps them like serfs of his land."²

VI. — SUMMARY.

ALL the rights which have just been explained, except the *dominica potestas*, an institution common both to the *jus civile* and the *jus gentium*, were rights purely Roman. But local legislation became constantly more and more assimilated to the laws of the metropolis, and we have seen that³ the Roman people already formed three quarters of the population of the Empire, of which it will soon form the whole; so that, while seemingly engaged only with Romans, we have in reality exhibited the domestic organization of the greater part of the provincials. It will be therefore legitimate to draw from this special study a general conclusion.

And in the first place we can report a continuous progress in equity and natural law. The strong organization of the Roman family exists; the father maintains in its midst unity of worship, inheritance, and authority; he is still priest, administrator, and judge; the master obeyed by his son, his wife, his slaves, his *coloni*, and those whom he holds *in mancipio*; and the patron honored of his freedmen.⁴ A part, however, of his ancient rights he has lost, and the condition of all those around him has become easier, even that of the slave. But in causing more justice and a little liberty to enter into the family, the Emperors have not

¹ Eumenius, *Pan. Vet.* iv. 9.

² *De Gubern. Dei*, v. 8, 9.

³ See Vol. V. p. 513, note 1.

⁴ Tacitus proves that there existed in the family much of the ancient paternal authority, and Gaius (i. 112-113) still speaks of the *manus* in the marriages by *confarratio* and *coemptio*.

destroyed its primitive character, and this discreet liberty which has taken its place at the domestic hearth continues deferential and respectful towards paternal authority. The manners of the time as depicted by Apuleius, Juvenal, and Petronius will be brought up against us, and later we shall reply to this objection; meanwhile, it must be admitted that with existing laws the paternal home would in a great number of families maintain a severe rule, leaving its mark on the minds of men, and it will be concluded that children so disciplined were not likely to become turbulent citizens.

The family explains in advance the City, as the fortune of the City, in the first centuries of the Empire, will help us to understand that of the State at the same period.

Another point of resemblance, — public authority has already penetrated the family under the name of equity, as it will penetrate the City by the name of better justice. Inheriting the duty of the Republican censors, the Emperor or the Senate, his instrument, diminishes the rights of father and husband; represses unjust exheredation, and himself punishes the adulterer;¹ seeks also to check divorcees,² and assures rewards to the conjugal virtues. In a word, the public judge is superseding the domestic judge, as in the City the Emperor's agent by degrees takes the place of the municipal magistrates. These encroachments of the public power, however profitable for the moment to those interested, announce the approach of a time when neither liberty nor law will stand in the presence of the sovereign master, the State.

The family is not the only thing modified: economic order is also changing, and the world of labor assumes new forms. We have not yet reached the time when industrial corporations will become hereditary; but in the social scale many of free birth go down, many slaves ascend, and they meet half-way between servitude and liberty, — a degradation for the former, a promotion for the latter. And since the future — even a remote future — always in its germ exists in the present, it is in the bosom of this

¹ *Lex fuit . . . ut adulterum cum adultera deprehensum marito liceret occidere. Hæc lex abolita est lege Julia quæ jussit adulterii cognitionem ad judices referri* (Schol. ad Horatii, *Sat. II. vii. 63*).

² *Divortiis modum imposuit* (Suet., *Octav. 34*).

great Roman commonwealth, where the citizen had been so proud and the slave so abject, that was making ready the formation of that innumerable class, the serfs of the Middle Ages,—a class whose condition was to be less wretched than had been that of the slaves of the earlier period.

¹ Large bronze.



PIETAS, AS REPRESENTED BY LIVIA.¹

CHAPTER LXXXIII.

THE CITY.

I.—EXTENT OF THE MUNICIPAL LIBERTIES.

WHEN we consider, in its magnificent simplicity, the plan of creation, we may almost venture to say that God made use of but two or three ideas in constituting the endless variety of existences.

Humanity has needed also, in the course of its historic development, only three or four social principles to produce the most diverse forms, slowly elaborating out of the chaos of brute force the idea of justice and the theory of the duties and the rights pertaining to the individual, the family, the city, and the state. As regards the two extremes of this progression, the Romans fell short, since they preserved slavery, and in the midst of peoples accustomed to liberty, they ended by establishing despotism; but they ameliorated the constitution of the family, and they bequeathed to modern times the municipal system with the civil laws arising from it. By this one achievement they placed themselves almost on a level with the Greeks in the general work of civilization.

Bossuet has said respecting the early ages of the Republic: "The Roman state was at that time of the temperament most fruitful in heroes." The municipal system in its best days, during the Empire, had effects very different, and yet analogous, for this system gave Rome the period of the Antonines,—a period which was illustrious by its pacific greatness, its laws, and its monuments, only because it abounded in men who had been trained in the free administration of the cities. This is not only an important fact in the history of Rome; wherever municipal life has had this

freedom we find the same results, whether in ancient Greece or mediæval Italy, in the Flemish communes and the Hanseatic cities or in the English boroughs. Under the Empire it had for three centuries the virtue of neutralizing the effect of bad political laws.

Rome, which had subdued the world by arms, secured to herself its peaceable possession by the municipal system. She carried it into all places where it did not as yet exist; and where it existed already, she brought it closer to her own ideal. In the Greek and Punic speaking countries, in Egypt, in Carthaginian Africa, the work had long ago been accomplished, and only slight



ROMAN TOMB AT HAYDRA (ROMAN AFRICA).

reforms were needed; but in Numidia, Mauretania, Spain, and Gaul, in the valleys of the Alps, of the Danube, and of the Rhine, nearly the entire work had to be done, and the Romans did it. They carefully obliterated the former divisions into peoples, tribes, or nations, and substituted instead the division of the country into urban districts. They compelled the sparse populations to gather about a centre where their civil and religious interests would be under the guardianship of magistrates elected by themselves, and also where their common life would be under the eye and hand of the governor of the province. In this way the savage inhabitants of the

Alpine valleys were attached to cities built at the foot of their mountains, — Luna, Ivrea, Cremona, Brescia, Trent, Verona, Trieste. There they were required to register their names for the census; thither they must bring the tribute due to the state and the recruits required for the army: there they must seek the judges who would settle their disputes. Rome compelled even the Lusitanians,

in the Iberian peninsula, to leave the high districts and build cities in the plains.¹ In Dacia alone a hundred and twenty-two Roman colonies have been enumerated, and this province was under Roman sway only for a hundred and seventy years.²

Augustus spent much time in organizing according to these ideas the Gauls and those tribes who were established on the left bank of the Rhine and in the upper basin of the Danube. The



RUINS OF A ROMAN AQUEDUCT AT CHINTOU (SIMITTU COLONIA).

elder Pliny found in his own days in *Tarraconensis* a hundred and fifty tribes living in scattered dwellings to a hundred and seventy-nine who had a capital; under the Antonines, Ptolemy enumerated there two hundred and forty-eight cities and only twenty-seven scattered tribes. This process of dividing into districts had therefore been so rapid that in less than a century the number of urban agglomerations had increased by sixty-nine, and that of tribes had diminished by eighty-seven. In all directions the

¹ Strabo, iii. 3, 5.

² Neigebauer, *Dacien*, p. 5.

same change had taken place, — in the north, Germany, Rhaetia, Vindelicia, the region of Noricum, Pannonia, and Moesia; in the south, Mauretania and Numidia had been covered with towns. At every step in Algeria, to the very borders of the desert, the French soldiers have discovered Roman ruins; and often these remains have aided their generals to discover hidden springs or subterranean reservoirs which saved their regiments from thirst.¹

The dominant idea in Roman municipal life is that of civic duty. The citizen of a provincial town is called *municips*; i. e., one who takes his share of public duties.² This duty he cannot escape, for no one has the right of deliberately renouncing his origin;³ and he is bound to fulfil it in the spirit of concord and fraternity, which seemed in the beginning to be the necessary rule of intercourse between the inhabitants of the same city. This word "fraternity" is thoroughly Roman. Cicero asks, "What is a city if not an association founded on justice?" and Ulpian, who styled even the bonds of commerce "a sort of fraternal tie," certainly regarded the city as the family enlarged.⁴ The patrons of corporations often assumed the title of father or mother, the members that of brothers, and of this they have left on their tombs touching evidence. Even as late as the fourth century we find expressions of love and pious affection as expressing a citizen's feelings for his city.⁵

But how was this idea embodied? He who by birth or adoption⁶

¹ Marshal Randon says: "Whenever in an expedition my regiments suffer from thirst, I make inquiry of the inhabitants if there are Roman ruins in the neighborhood; and when I come upon them, I immediately order the ground to be bored: we always find water."

² *Municips*, from *municipes* (Aulus Gellius, xvi. 13).

³ *Origine propria neminem posse voluntate sua eximi manifestum est* (Code, x. 38, 4).

⁴ *Juris societas* (Cic., *De Rep.* i. 32). *Societas jus quodammodo fraternitatis in se habet* (Digest, xvii. 2, 63).

⁵ *Amor et religio erga civem universos . . . amor civicus* (Orelli, No. 4,360). The inscription is of the year 386, but pagan.

⁶ The town was able to create, by the grant of citizenship (*allectio*), new families, — *Civis origo, manumissio, allectio vel adoptio facit* (Code, x. 7, 39). We find even in Apuleius (*Met.* iv.): *Adolescens . . . quem filium publicum omnis sibi civitas cooptavit*; and in Greek inscriptions the words *son of the senate, of the city, of the people, etc.*, doubtless given as titles of honor in order to recompense or evoke liberal acts, are very frequent (*C. I. G.* No. 3,570; Waddington, *Voy. arch.* part v. 4,018, 4,019, 4,026, 4,030, and No. 53, 1,602a). Similarly Venice adopted Bianca Capella, "the daughter of the Republic." The freedom of the city was granted to women, *civis recepta* (*C. I. L.* vol. ii. No. 813). An imperial rescript could also confer it. Cf. Pliny, *Epist.* x. 22, 23. Dion Chrysostom, *Orat.* xli. *ad Apam.* ii. 181 (edit. Reiske).

belonged to a municipal family, who within the walls or in the territory of the city had his domestic hearth, his Penates, and the sepulchre of his fathers; he who performed the sacred rites at the public altars in honor of the guardian deities of the community. — this man, and at first this man only, was *municips*. He voted in the Forum and could be elected to deliberate in the Senate, to exercise authority in public offices, and to judge in the tribunals. The stranger (*peregrinus*), the citizen of another town of the province, even though a dweller in the city (*incola*),¹ the freedman, who established a family only in the second generation, the slave, who was not taken at all into consideration, — all remained outside the municipium. This was composed therefore of families connected with each other by religious bonds, common memories, a community of duties, a solidarity of interests. Hence it is not to be wondered at that this city, so well united, finally obtained from Rome the character of a moral being, a living and legal personality.²

Old institutions, effaced at Rome by revolutions, continued in vigor in the provinces as a result of that conservative force natural to localities into which political agitations do not penetrate, and because the *formulae* given to the provincials at the time of conquest had been drawn up by men still lovers of municipal liberty. The scholars of the Palatine library would have found again in a crowd of municipalities the *populus*, or the dominant nobility, the *plebs*, or the disinherited multitude; the *curia*³ and the *curio* of the royal period; the magistracies of republican times,⁴ —

¹ Cicero well shows the spirit of ancient law in this respect: *Peregrini et incolae officium est nihil præter suum negotium agere . . . munusque esse in aliqua republica curiosum* (*De Officiis*, i. 34). Later on the *incola* shared with the *civis* the onerous offices, *munera*, as the allies received as Roman citizens were obliged to accept its obligations. Ulpian (in the *Digest*, l. 1, 1, sect. 1) says: *Municipes appellati recepti in civitatem ut munera nobiscum facerent*, while adding: *Nunc abusive municipes dicimus suæ cuiusque civitatis cives*. The *incola* could not at first obtain posts of dignity, *honores* (*Code*, x. 39, 5 and 6); yet in the end he succeeded in obtaining them (Orelli, No. 2,725, and Agen. Urbicus, *In Grammat.* p. 84). Already the *lex Malac.* recognized his right of voting in the assembly if he had the *jus civitatis* or the *jus Latii*. On the *munera*, see *infra*, p. 67.

² *Personae vice fungitur municipium et decuria* (Florent., in *Digest*, xlv. 22).

³ For the division of the people into *curiae*, cf. Orelli, Nos. 3,727, 3,740, 3,771, and Henzen, Nos. 6,963 (note 2), 7,420f, 7,430fa; L. Renier, *Mémoires d'épigraphie*, p. 220, and *Inscr. d'Afrique*, Nos. 91, 185, 1,525, 2,871; *C. I. L.* vol. ii. No. 1,346.

⁴ There were still found in Hadrian's time praetors in Etruria, dictators in Latium (Spart., *Hadrian.* 19; cf. Borghesi, i. 490, vi. 315), and the duumvirate recalled, by its prerogatives, the ancient consulate of Rome, before the creation of the censorship and praetorship.

tribunes of the people,¹ aediles, quaestors, censors, and public assemblies divided into tribes² and centuries,³ with a forum, rostra, elections, and all the excitement of the comitia. Aulus Gellius, in the time of the Antonines, still calls the colonies "the diminished image, but the true likeness, of the Roman people."⁴ A century later, Modestinus says, "The law against canvassing has no longer any validity at Rome, because the appointment to office there depends on the Emperor and not on popular favor;" and he considered it as still in full force in the municipalities.⁵ In Africa, in the time of Constantine, the people still had elections.⁶ The cause of this is that municipal life had been extinguished in Rome because there it would have been political life, while it still prevailed in the provinces because there it could raise no distrust. It is a common fact that the conqueror, from self-interest, respects for a long while the social customs of the conquered. Does not France act thus in her colony of Algeria, in spite of her tendencies to excessive centralization and extreme uniformity?

Occupied on the banks of the Tiber in consolidating their power and defending their lives against conspiracies of the nobles, the first Emperors did not trouble themselves about those obscure forms of liberty which were as dear to the half-savage natives of the West as their own had been to the inhabitants of the brilliant cities of the Hellenic East. Far from weakening these liberties, the Emperors favored their extension; and thanks to the order, the sound justice, which all the Emperors—except those who may be regarded as actually insane—strove to establish among their subjects, the municipal system, instead of disappearing with the Republic, prospered for nearly two centuries. These old customs of Italy, found by the conquerors or carried by them⁷ to

¹ There were tribunes of the people at Teanum, at Venusia, and at Pisa (Or.-Henzen, Nos. 3,145, 5,985, 6,218, 7,143).

² As at Genetiva Colonia, cap. ci.

³ *C. I. L.* vol. ii. No. 1,064. The division into centuries, which was fundamental in the army, had also been adopted by some industrial guilds. Cf. Orelli, Nos. 4,060, 4,071, 4,137, etc.

⁴ *Noct. Att.* xvi. 13: *Populi Romani . . . coloniar quasi effigies parvae simulacraque.*

⁵ *Haec lex in urbe hodie cesset . . . Quod si in municipio contra hanc legem, magistratum aut sacerdotium quis petierit . . .* (*Digest*, xlviii. 14, 1).

⁶ *Cod. Theod.* xii. 5, 1.

⁷ What we know of the provincial formulae and the municipal laws; regulations made for the Sicilians; the formula of Bithynia drawn up by Pompey; the Table of Heraclea and *lex Rubria* for Italy; the laws of Salpensa, Malaga, and Osuna for Spain; the explanatory

provincial soil. were so tenacious of life that they for a long while existed there as mementos of the past which time in its work of levelling hesitated to touch. Many of these mementos have disappeared; what remain suffice to prove the existence in the early Empire of a municipal organization very different from that exhibited in the Theodosian Code. This latter system has been often described with its disastrous consequences; we ought also to be acquainted with the former and its happy results.

There was not for the cities, as has been thought, a general law which we have lost,¹ but all the questions relative to municipal organization had been long since settled. The great law of Caesar, or Table of Heracleia, for the Italian peninsula (45 B. C.), the *lex Rubria* for Cisalpine Gaul (49), a host of others with whose existence we are acquainted, may have served as models and constituted a common source whence materials could be derived by old cities desiring to put in writing or reform their custom, as well as by new ones to which a law must be given. In Domitian's time they were still frequently prepared,² and a learned man of the second century defined a municipium to be a city which has its own system

inscription of the organization of the census in the provinces, etc., — recalls institutions or customs of Rome, "the common native land," as say Modestinus (*Digest*, l. 1, 33) and Cicero (*De Leg.* ii. 2, 5). For example, there are found the prerogatives of the president of the comitia, the distinction between the senators inscribed in the white book and those who are so by virtue of their office, the rank assigned to each in the curia, the magistrates designate, the interval of several months between the election and entrance into office, the places of the magistrates and senators in the theatre, the regulations against faction, the right of intercession and delegation, the oath in the five days succeeding the election, the duality of the offices, the adjudication of public works and the farming of the revenues, the obligation on elected magistrates to provide games, etc. In drawing up a new statute, old statutes formed the basis, sometimes even they were copied; chapter civ. of the bronzes of Osuna is evidently borrowed from the *lex Mamilia*; and how many others have been taken from the Julian laws!

¹ This is nevertheless the opinion of Mommsen (*C. I. L.* i. 123 *et seq.*) and of Rudorff (*Röm. Rechtsg.* i. 34). Marquardt (iv. 66) says even of the *lex Julia municipalis*: *Eine vollständige und allgemeine, sowohl für die Hauptstadt selbst als für die italischen und ausser-italischen Municipien geltende Communalordnung, welche in der Kaiserzeit fortbestand.* Were the cities able to modify their laws? The cities in alliance could, without any doubt, but the colonies and municipia which received these charters from Rome could only modify them in concert with the sovereign power. Thus Arpinum changed the mode of voting in the comitia (Cic., *De Leg.* iii. 16). We can see in the Verrine orations, on the subject of the laws made for the Sicilians, how Rome gave attention to consult the customs and desires of the people to whom she gave laws.

² Those of Salpensa and Malaga were drawn up between 81 and 84, that of Osuna from Caesar's time, but was published and perhaps corrected about the same time. After having received from Vespasian the *ius Latæ*, Spain must have had to revise its municipal laws, making more or less changes in them.

of law and its special statutes.¹ Trajan forbade that it should be detracted from.² Under Hadrian and Antoninus, the great juriconsult Julianus, seeking how one ought in certain cases to supply the silence of the written law, made this rule: "Let custom be followed; that failing, what comes closest to it; lastly, if nothing can guide the judge, let him have recourse to Roman law."³ Still later Ulpian asks: "What is to be done if the municipal law permits what a rescript of the Emperor forbids?"⁴ Even in the fourth century Diocletian recognizes the authority of the municipal laws and does not permit the governor to break them.⁵ No more than are the English of our own time were these Romans submissive to the tyranny of uniformity,⁶ or possessed with the need of putting all their local institutions into perfect agreement. They allowed those laws to live on which pleased their subjects, or those which ceased to suit them to fall into disuse without being formally abolished; and they never aspired, as the French do, to break up the state every ten years in order to cast the fragments again in a new mould.

In the early Empire the laws differed therefore, as in ancient France, between one city and another, since each had its own. The municipia also differed from one another in their political condi-

¹ Aul. Gell., xvi. 13. A single city sometimes had two different constitutions, whether it had received two colonies, *cives novi et veteres*, or the ancient inhabitants, *municipes*, had kept their charter and the new comers, *coloni*, had brought another with them (Henzen, No. 6.962). Cf. *C. I. L.* ii. 501: *Duplicem ordinem, duplicemque omnino rem publicam fuisse scimus compluribus oppidis, ut Pompeiis, Arretio, Valentiae.*

² Pliny, *Epist.* x. 114.

³ *Digest*, i. 3, 32.

⁴ *Digest*, xlvii. 12, 8, sect. 5. These special laws were still in force in the third century, even later. Yet before the end of the second century, Aulus Gellius said already: *Obscura, oblitterataque sunt municipiorum jura quibus uti jam per innotitiam non queunt.* These words, *jam non queunt*, indicate that the movement which was about causing municipal laws to fall into disuse was only beginning.

⁵ *Si lex municipii potestatem duumviris dedit ut . . . nihil contra hujus legis terorem rector provinciae fieri patietur* (*Code*, viii. 49, 1, and xi. 29, 4). A law book drawn up in the fifth century shows that below Roman law there still existed local customs, not only for weights and measures, the calendar, etc., but also for juridical matters (Bruns, *Syrisches Rechtsbuch*, *passim*, and Esmein, in the *Journal des Savants* for May, 1880).

⁶ The whole correspondence between Pliny and Trajan proves that, even at that period, the government did not yet like to adopt general measures of administration. For example, Pliny requests Trajan to draw up an ordinance for Pontus and Bithynia. The Emperor replies: . . . *In universum a me non potest statui . . . sequendum cujusque civitatis legem puto* (Pliny, *Epist.* x. 114). Respecting the Christians, he had replied to the same import: . . . *Neque enim in universum aliquid, quod quasi certam formam habeat constitui potest* (*ibid.* x. 98). Nero, when asked by the Senate to publish a regulation concerning the status of the freedmen, had refused and replied: "Each case must be examined as it presents itself" (Tac., *Ann.* xiii. 27).

tion. Viewed from without and in its relation to the sovereign power, the city is to be placed in one of those classes whose different modes of existence we have examined in the history of the Republic. In the second century of the Empire we see, as in the preceding age, tributary cities subject to the absolute power of the Roman governor, while yet preserving their own laws, their *curia*, their elective magistracies with a certain jurisdiction; and privileged cities, — colonies, municipia of Roman citizens, and Latin cities, allied, free, or with the *jus Italicum*. The former were the more numerous; but the number of the others would be very high if documents enabled us to count them wherever they existed, since they formed a third of the communities of Hither Spain, and after Vespasian's time covered the whole peninsula;¹ since Narbonensis had no other cities;² and since entire provinces, as Sicily, the Maritime Alps, and the Cottian Alps had obtained the *jus Latii*.

In relating Rome's conquest of the world, it was proper to note the different advantages granted to different peoples for the purpose of dividing the resistance and of deceiving the vanquished as to the extent of their defeat; but it would be useless to repeat this task in the case of the first century of the Empire. Political history is not required to take account of privileges which were no longer a means of domination, but it ought to study, if not in all its existing varieties, at least in its most complete form, the municipium, the one thing at that time alive in the Roman world outside of the Emperor's palace. The vitality of the municipal system at so many points of the Empire explains the marvellous prosperity of that epoch, as the decay of urban liberties in the third century will presage the approaching fall of the colossus, whose base was now insufficient.

But were these expressions, "allied peoples," "free cities," "autonomous cities," "Roman colonies," — which inscriptions, medals, texts, everywhere give us, — mere empty formulas, beneath which was hidden the real nothingness of urban liberties?

¹ Pliny, *Hist. nat.* iii. 5.

² Herzog (*Galliae Narb. prov. Rom. Historia*) reckons seven Roman colonies there, thirty-six Latin towns, and Marseilles, *civitas foederata, libera et immunita*. On the *jus Latii*, see Vol. II. pp. 242 *seq.* The *jus Italicum*, which is supposed to have been created by Augustus or Caesar, changed the provincial soil into Italian soil, which gave the inhabitants the Quiritarian domain and exemption from tribute.

We might believe so from certain passages in a writer of that time. Plutarch, who after having comprehended on the banks of the Tiber the true position of Rome, "that keystone of the universe," became again in his small Boeotian town, as it were, a contemporary of Philopoemen. He did not see that "the Roman peace," with which he was so delighted, could exist only on condition that municipal liberties should not mean independence. The archon of Chaeroneia, the high priest of Apollo, regrets on behalf of his municipality the loss of sovereign rights. I should regret them too if the situation could have been different, if even it had not been well that it should be as it was. "It is no longer the time," he says to an ambitious young man, "for entering on wars, concluding alliances, forming great enterprises. It is permitted you at your entrance into public life to examine before the tribunals some civil question,¹ to prosecute abuses, to defend the weak. You can still watch over the apportionment of the taxes, the care of harbors and markets, or fill some office of municipal police. The occasion will perhaps offer itself of carrying on a negotiation with a neighboring town or with a prince; finally, with the maturity of age, you may aspire to a mission to the Emperor and to the supreme magistracy of your country. But to whatever rank you are raised, remember it is not a time to say to yourself, as Pericles said when putting on his chlamys: 'Think of this, Pericles, those whom you command are free men, are Greeks, are Athenians!' Say to yourself rather: 'You command, but you are commanded; the city which you govern is a subject city, a city under the Emperor's lieutenants.' You must therefore wear a simpler chlamys; you must from the step on which you are seated have an eye to the tribunal of the proconsul, and not lose sight of the sandals which are above your head."² And in another place: "What authority is that which, on a word from the Roman governor, can be annihilated, or transferred to another?"³ All this is true, but only of a part of the Empire. Plutarch even uses expressions which, coming from this passionate admirer of the old independence, become singularly significant. After saying that

¹ The text says more: *δικὰ δημοσίου* (*Præc. polit.* 10).

² In this passage, which I borrow from M. Gréard, *Morale de Plutarque*, pp. 224-225, various passages from his *Political Precepts* are summarized.

³ Plutarch, *Præc. polit.* 32.

among the most enviable blessings for a state are peace and liberty, he adds: "As regards peace, there is no need to occupy ourselves, for all war has ceased: as to liberty, we have that which the government leaves us, and perhaps it would not be good that we should possess more."¹ It was equivalent, or nearly so, to saying that the nations were then in possession of all needful liberties.

Under the Republic each city had, like Rome, a popular assembly which was sovereign in making laws and creating magistrates. Only fourteen years before the battle of Actium, Caesar's municipal law exhibits, throughout all Italy, the popular assembly in full possession of its rights (*populus jubet*).² Till lately, moreover, it has been believed that Tiberius having in Rome committed the elections to the Senate, a similar revolution had immediately taken place in the provinces. It is true that the popular assembly, without being formally abolished, was by degrees deprived of its power, to the gain of the senate-house, and that the municipal organization, originally democratic, became aristocratic, as the result of a movement of concentration which from day to day became more evident in the imperial administration, after having been the policy of the republican Senate.³ But this revolution, nearly completed in the third century, was by no means so in the first or even in the second, at which time we still find public assemblies in the cities. If at Rome a shadow of the comitia and of the popular elections was preserved even to Trajan's time,⁴ we have much more reason to think that the reality in many cities took the place of these empty forms, especially in those which, in their internal administration, were legally withdrawn from the action of the Roman magistrate, whether by treaties of alliance concluded at the time of conquest, which were habitually respected, or by concessions

¹ . . . καὶ τὸ πλεον ἕως οὐκ ἄμεινον (*ibid.* 32).

² Cap. xii. Cf. Or-Henzen, Nos. 2,531, 3,701, 6,966, 7,227.

³ Cf. Appian, *Mithrid.* 39; Pausanias, vii. 16, 6. Cicero has neatly formulated this policy: . . . *Ut civitates optimatum consiliis administrantur* (*Ad Quint. frat.* I. i. 8, 25); but there was this difference between the Republic and the Middle Empire, — that the former was satisfied with favoring the influence of the nobles in the cities, which was one form of municipal life, while the other was by degrees led to suppress all life in them.

⁴ Dion, lvii. 20, and Pliny, *Panegr.* 63, 64, 79. Cf. Vopiscus, *Tac.* 7, where he shows the soldiers and people (*milites et Quirites*) ratifying the election made by the Senate; and later, the election of Gordian III. made by the people and imposed by it on the Senate.

secured later. Pergamean Asia, Bithynia, Macedonia,¹ Africa, still made use, under the Antonines, of the laws which had been given them immediately upon their conquest. Respect for the terms made by the Republic with peoples and cities continued in the Early Empire the rule of government; the contrary was the exception. The inscriptions prove this beyond a doubt; and not the least of the services which they have rendered us is that by means of them we are aided in recovering at least two centuries of active, ardent municipal life in this Empire which has been described as an inexplicable solitude full of despotism and servility.

Before the third century of our era Graeco-Latin antiquity was not really acquainted with the official, — that new rank formed in modern monarchies by the centralization of powers, at once a cause of strength and of weakness to them. Offices were annual or temporary, even in the state, and much more so in the cities. At Rome, men came into office, nominally by the choice of the Senate, but in reality by the Emperor's selection, and in the provinces by popular election. The acts of liberality shown to the people by those who wished to secure the magistracies — acts which are referred to in a great number of inscriptions — form a presumption that the candidates had need of the people to obtain these offices. But we have direct proofs. Thus comitia of election are found in active operation at Bovillae, at the gates of Rome, in the year 157;² at Perusia, under Marcus Aurelius;³ at Amisus, during Pliny's administration;⁴ at Tralles, under Hadrian;⁵ at Smyrna, about 211;⁶ in Caesarian Mauretania, about Caracalla's time;⁷ in

¹ In the second century of our era Justin (xxxiii. 2) says of Macedonia: . . . *Leges, quibus adhuc utitur, a Paulo accepit*: Appian, of the inhabitants of Brundisium, that Sylla gave them ἀ-έλειαυ, ἥν καὶ νῦν ἔχουσιν (*Bell. civ. i. 79*).

² Orelli, No. 3,701.

³ *Id.*, No. 2,531.

⁴ *Epist. x. 110*: . . . *Bule et ecclesia consentiente*.

⁵ . . . τοῖς ψηφίσασιν τῆς τε βουλῆς καὶ τοῦ δήμου (*C. I. G. No. 2,927*). Likewise at Tarsus, and in many other places are found ἡ βουλὴ καὶ ὁ δῆμος.

⁶ *Ibid.* No. 3,161.

⁷ At least this is what one may conclude from an inscription of Caracalla's time, recovered by M. L. Renier at Jomnium (*Inscr. d'Itg. No. 4,070*), in which a *duumvir* mentions his election by the *Ordo*, which he would not have done had it been the custom. At Tergeste, under Antoninus, entrance to the senate-house was *per aedilitatis gradum* (*Or.-Henzen, No. 7,168*). The usage of the public assemblies was still so well preserved in the middle of the second century that Plutarch, in his advice to candidates, recommends presenting to the multitude only premeditated speech (*Praec. polit. 6*).

the whole province of Africa as late as the year 326;¹ and in every variety of circumstance the assent of the people is mentioned together with the decree returned by the decurions.² One of the streets of Pola leading to the forum of that ancient flourishing colony is still called the Street of the Comitia.

We know that Pompeii, at the moment of the catastrophe which destroyed it, was engaged in popular elections. Wall-posters have been found containing the political creed of the candidates, placards of supporters and of opponents, even the recommendations of the government—that is, of the Senate—in favor of an official candidate.³ These notices were posted everywhere, even on the tombs, which, in Roman cities, were by the sides of the roads leading to the city; and in certain inscriptions the deceased defend their last resting-place against candidates by imprecations with which in advance they threaten those who affix electoral placards to their tombs (. . . *repulsam ferat*).⁴ The law of Malaga,

¹ *Cod. Theod.* xii. 5, 1: . . . *nominatione candidatorum populi suffragiis.*

² Cf. Orelli-Henzen, No. 5,171: *Ordo et universus populus*; No. 5,185: *Dec. aug. et plebs*, No. 7,170: *Consensu plebis*; No. 1,770: *Dec. et liberis eorum, sev. aug., plebei universae*; at Gaëta, under Hadrian, . . . *Rogatus ab ordine, pariter et populo* . . . (No. 3,817). Cf. Nos. 3,882, 4,020, etc., etc. In the case of Antyra and Pessinus, see Perrot, *De Gaëta*, pp. 147 *et seq.*: for Palmyra: βασις καὶ ὄχλος: cf. Letronne, *Recherches sur l'Asiène, l'Égypte*, p. 268, and De Vogüé, *Inscr. sémit.* p. 18.

³ Subjoined are two electoral announcements in red letters on the walls of Pompeii (house of Vesonius Primus). E. Pressuhn, *op. cit.* p. 4.

C·CAVIVM RVFVVM II^{VS} VIR
OF

VTILEM·R·P·VESONIVS·PRIMVS·ROGAT

C(a)um) GAVIVM RVFVVM II^{VS} VIR O. V. F. (oro vos facite) VTILEM R(ei) P(ublicae)
VESONIUS PRIMVS ROGAT.

(Vesonius Primus recommends to your votes Caius Gavius Rufus, a man useful to your city, and
I beseech you to elect him to the office of duumvir.)

CN·HELIVIVM AED·D·R·P
VESONIUS.
PRIMVS·ROG

CN. HELVIVM AED(ilem) D(ignum) R(ei) P(ublicae) VESONIUS PRIMVS ROG(at)
(Vesonius Primus recommends you to choose as aedile Cneius Helvius, a worthy man of our city.)

⁴ Orelli-Henzen, Nos. 3,700, 6,966, 6,977, 7,227, 7,276, and all those to which Henzen refers in his *Index*, p. 169. When the news of Caesar's death (4 B. C.) reached Pisa, the colony,

drawn up under Domitian, details minutely the necessary formalities for the regular holding of the comitia,¹ and condemns to a penalty of ten thousand sesterces any one who hinders or disturbs the assembly. In the time of Alexander Severus, Paulus comments on the Julian law respecting bribery; he says: "The citizen who solicits a magistrateship or sacerdotal office in a province, and by giving bribes stirs up the crowd to obtain votes, is guilty of public violence and condemned to transportation."²

If Rome left to so many cities their electoral and legislative assemblies, she must have left their magistrates a considerable share of jurisdiction. But within what limits? On this question we have only the *Digest*, which exhibits the administrative law of the third century and not that of the first.³ Now while at the two periods the civil law was nearly the same, the administrative law was not so. Moreover the great juriconsults of the Republic and Early Empire, anterior to Salvius Julianus, have altogether furnished to the *Pandects* only a number of fragments equal to an eighth of the quotations from Ulpian and Paulus. The meaning of this inequality plainly is, that though admitted into the Justinian collection in order to confirm with their authority the civil law of the later age, a continuation of that which they had established, the old jurists had had very little material to furnish for the administrative law, for the reason that the law of their time no longer existed except as fundamentally modified.⁴ We still possess the *Table of Heracleia* and the *Lex Rubria*, drawn up for Italy, and not for the provinces, and the Spanish laws, which would remove every difficulty if they were complete. But the light shed by these laws on many points does not make clear the whole of the municipal system; and as they reveal very little respecting the civil jurisdiction of the magistrates, and

then in the full crisis of the elections, had no magistrates *propter contentiones candidatorum*. The details of the public mourning were determined *per consensum omnium ordinum* (Wilmanns, 883, and Lupi, *I Decreti della colonia Pisana*).

¹ *Lex Malacitana*, art. 51-59.

² . . . *Si turbam suffragiorum causa conduxerit* . . . [*Sent.* v. 30 (A).]

³ The number of fragments of the older jurists inserted in the *Digest* is only 586; Ulpian furnished 2,462, Paulus, 2,084. Cf. Puchta, *Cursus der Institutionem*, i. 431-477.

⁴ Another example of the silence of the *Corpus Juris* respecting an ancient institution; it does not name the *Augustales* once, which the inscriptions prove to have occupied a considerable place in the society of the Early Empire, but which had disappeared two centuries before Justinian.

nothing respecting their competency in criminal matters. we have been led to reduce the judicial authority of the duumvirs to the proportions that it had in the Middle Empire, when the competence of the magistrate in civil suits was stopped, like that of the French *juges de paix*, at a certain sum,¹ and in criminal cases went only so far as to punish the man of free condition by a fine, and the slave by a few strokes of the rod.² However, since the Emperors had not yet covered the provinces with their functionaries, social life would have been as if suspended in those immense territories, if from the Thames to the Euphrates, from the mouths of the Rhine to the cataracts of Syene, there had been need to await the arrival of the thirty governors to open the assizes in order that all cases might be heard and all the guilty punished.³ Reason says that it must have been otherwise, and history adds that what exists most largely in the present is always an inheritance from the past; now of this past Rome was not at all disposed to make *tabula rasa*. The laws recently discovered and innumerable inscriptions prove this as regards political institutions, and certain facts indicate that it must have been the same for judicial institutions.

The condition of certain cities in the middle of the first century is very succinctly portrayed by Strabo and the juriconsult Proculus. "Massilia." says the former, "is not in subjection, either as regards herself or her subjects, to the governors of the province."⁴ The latter says: "Free is the people which is not subjected to the power of any other; federated is the one which has concluded with another a treaty on equal conditions, or which, in the treaty of alliance, has promised to respect the majesty of another people. That does not imply that the first is not free, but means that the second is superior; thus our clients remain

¹ Paulus, *Sent.* v. 5a, 1.

² *Digest*, ii. 1, 12.

³ In Spain in Pliny's time there were 513 cities and only fourteen *conventus iuridici*, one in thirty-seven, where the governor held his assizes for some days every year. In France, where the tribunals are permanent, we have a *juge de paix* for each canton, a tribunal of first instance to every *arrondissement*, tribunals of commerce, and one half more appeal-courts (26) than Spain had of *conventus*.

⁴ lib. iv. p. 181 : . . . ὥστε μὴ ὑπακούειν τῶν εἰς τὴν ἐπαρχίαν πεμπομένων στρατηγῶν. Marseilles had with Rome a treaty of alliance, *fœdus æquo jure percussum* (Justin, xliii. 5). The *socii populi Rom.* were not dispensed from certain payments in kind stipulated in the treaty, — soldiers, ships, sailors, etc., entertainment of Roman magistrates passing through

free men, while as regards authority and dignity they are inferior to us. Yet inhabitants of federated towns can be accused before us, and if they are condemned we punish them.”¹ He says again: “Doubtless the free and federated peoples are not within our Empire.”² Cicero before him, and Tacitus a little later, said the same thing,³ and the Senate of Tiberius had sanctioned this view by a solemn decision.⁴ Every federated or free city preserves then the ownership of its soil, its whole jurisdiction, and its tolls; only its inhabitants have the right of appealing to the tribunal of the governor of the province, as the Italians, according to the *lex Julia*, could accept the decision of the municipal judge, or could take their cause to Rome. There is no possession of the Empire where cities of this kind are not found; and they were in great number, since all the famous cities of Greece and Asia had obtained this title, and there were as many as thirty in the province of Africa alone.⁵ Thus it is allowable to say that municipal life in its plenitude had been in many points respected by the first Emperors. In the second century Trajan wrote to Pliny: “I cannot

their cities, etc. Strabo (viii. 365) says of the Laedaemonians: *ἔμειναν ελεύθεροι, πλὴν τῶν φιλικῶν λειτουργιῶν ἄλλοι συνελευθεροῦντες οἰδεῖν*. The senatus-consultum in favor of the Chiotēs (*C. I. G.* No. 2,222), the plebiscitum of the year of Rome 682 for Termessus major, are equally explicit. Cicero had said (*Verr.* ii. 66, 160): *Taurominitani . . . qui maxime ab injuriis nostrorum magistratuum remoti consuerant esse praesidio foederis*. Cf. *Id.*, *De Prov. cons.* 3, 6: . . . *Omitto jurisdictionem in libera civitate contra leges senatusque consulta*; *Id.*, *In Pis.* 16: *Legem Caesaris justissima atque optima [multis sen. cons. in the Pro Domo, 9] populi liberi plane et vere liberi*. In the *Pro Balbo* (16, 35–36), speaking of Gades, which was *foederis infirmior*, he extols that policy which had known how to combine the rights of the paramount people with the autonomy of the vassal people.

¹ *At quidquid nos vel ex civitatibus foederatis et in eas damnatos animadvertimus* (*Digest.* xlix. 15, 7, sect. 1). Cf. Cicero, *In Pis.* 16, 37.

² *Quia nobis ceteri sint* (*Diogen.*, *ibid.*). Suetonius (*Caesar*, 23) and Tacitus (*Ann.* xv. 45) speak similarly. Festus is still more explicit (p. 218): *Cum populis liberis et cum foederatis et cum regibus possetur nobis est id, ut cum hostibus*. So an exile could be received into a federated city. Cf. *Polyb.* vi. 14, 8; *Tac.*, *Ann.* iv. 43. Nevertheless, this independence only could extend to the internal administration. If the allied peoples did not form part of the province, they did of the Empire, and from a political point of view they were in subjection to the Emperor or his representatives. Kuhn (*Die Stadt und bürgerl. Verfass. des röm. Reichs*, ii. 26 and 299) compares the free and federated cities of the Empire to the Swiss cantons and the States of the Rhine Confederation, the inhabitants of which Napoleon called his subjects.

³ Cic., *Pro Balbo*, 17, and *Tac.*, *Ann.* iii. 55.

⁴ *Tac.*, *Ann.* iv. 33, in the affair of Volcatius Moschus.

⁵ *Receat quae Achaëis, Rhodis et perisique nobilibus claris jus integrum libertatemque cum immunitate retulerant* (Seneca, *De Ben.* v. 16). Cf. Pliny, *Hist. nat.* v. 29. It is known that there were eighteen free cities in the province of Asia, and these were not all.

prevent what the people of Amisus wish to do, since they use a right which is given them by the treaty of alliance."¹

Municipal life was equally active and free in the cities possessing the *jus Latii*, for a writer of the time of Augustus and Tiberius declares cities of this kind removed from the jurisdiction of the provincial governor.² With greater reason was it the case in the municipalities possessing the *jus civile*, which preserved down to the second century their peculiar legislation and their tribunals;³ and even in the colonies, where all was Roman, and whose condition, though more dependent, was considered as more honorable.⁴

These cities, in fact, must have participated in the condition of the Italian cities. In the ancient French law, Parisian usage has considerably modified many provincial usages. The municipal law established by Caesar for Italy exercised a still greater influence, for when the Romans organized in the provinces colonies and municipia, they certainly borrowed largely from that law which, in their eyes, summed up ancient wisdom and the experience of centuries in municipal questions.⁵ The *lex Julia* became even for the juriconsults of the third century the municipal law *par excellence*. If, therefore, we knew the powers which these laws gave to the Italian duumvirs, we should be near knowing those possessed by the magistrates of the Roman colonies and of the provincial municipalities, — two sorts of cities whose condition was so similar that in Hadrian's time the difference between them was no longer distinguishable. Now the *lex Julia* gave to the duumvirs in civil matters the decision of suits and the means of forced execution.⁶ They exercised these rights without limit over

¹ Pliny, *Epist.* x. 93.

² Nîmes was a Latin city, and because of that (διὰ τοῦτο) was not subject τοῖς προστάγμασι τῶν ἐκ τῆς Πάσης στρατηγῶν (Strabo, iv. 1. 12). Cicero says also: *Civilitani, id est federati* (*Pro Balbo*, 24). Still the governor, like the prætor in Italy, exercised in the Latin cities the superior rights of the *imperium* for reserved cases, of which we shall speak later.

³ According to the classic passage in Aulus Gellius, xvi. 13: *Municipia sunt civitates Romani ex municipiis, legibus suis et suo jure utentes, munus tamen cum populo Romano honorari participes . . . nullis aliis necessitatibus, neque ulla populi Romani lege astricti.*

⁴ *Magis obnoxia, minus libera* (Aul. Gell., *ibid.*).

⁵ Aulus Gellius says of the colonies: . . . *jura, institutaque omnia populi Romani non sui arbitrii, habent* (xvi. 13).

⁶ *Lex Julia*, lin. 117, 118, ap. *C. I. L.* i. 120. Ulpian said even in the third century: *Jus decentis officium latissimum est. Nam et honorum possessionem dare potest, et in possessionem mittere, pupillis non habentibus tutores constituere, judices litigantibus dare* (*Digest*, ii. 1, 1. Cf. *ibid.* ii. 1, 3).

the whole extent of their territory by themselves or their delegates, unless the parties preferred taking their suits to Rome for settlement.¹

The *lex Rubria* recognized equally in the municipal judge in Gallia Cisalpina the right to adjudicate in civil causes, whatever might be their importance (*de omni pecunia*); but in certain cases — as, *e.g.*, in money loans — it limited his competence to disputes which had reference to less than fifteen thousand sesterces.² When this amount was exceeded, the litigants had to take their suit before the praetor at Rome.

This arrangement, which limited municipal jurisdiction in Cisalpine Gaul, had perhaps been introduced in the interests of the citizens³ and of public order. Did it form a part of the *lex Julia*? Some maintain that it did.⁴ It at least became part of the common law, for it is found in the third century applied to the whole Empire. "The municipal magistrates," says Paulus, "could judge only up to a determinate sum."⁵ But at that time all the pro-

¹ *Die Gerichtsbarkeit der Duumviren erstreckt sich auf alle Civilsachen ohne Einschränkung* (Bethmann-Hollweg, *Civilprozess*, ii. 23). It is also the opinion of Puchta (*Cursus der Institutionem*, sect. 90, p. 395; *Unbeschränkte Rechtspflege*, by Keller, edit. Capmas, pp. 6, 7, etc.).

² *Lex Rubr. cap. xxii., quae res non pluris HS XV millia erit.* Savigny (*Hist. du droit rom. au moyen age*, i. 51 of the Fr. transl.) says: "In certain matters the jurisdiction of the duumvir was unlimited, and the execution on property could be carried out." This is also Mommsen's opinion (*C. I. L.* vol. i. *Ad leg. Rubr.* p. 118). French civil tribunals give final judgment only to the amount of fifteen hundred francs in matters personal and relating to movables, and to sixty francs of leasehold value in real estate. When the object of the suit is of a higher value, they judge only in the first instance. Art. 69 of the *lex Mal.* seems to have also fixed a limit for the *judicium pecuniae communis*. Unfortunately the text fails at the most important point.

³ Some political idea which escapes us is doubtless hidden under this provision. Might it not be, that debts having been one of the great causes of anxiety of republican Rome, the Senate sought to prevent, in the cities united to its fortune, the agitations which had distracted the capital, through a regulation allowing the magistrates of the cities comprised in the *agro Romano* only the decision, in matters of debt, of suits of small importance? When Italy became Roman territory, this arrangement was applied to it with the religious respect of the Romans for ancient prescriptions; so was it for the same reason to the Roman colonies beyond the sea; then to the whole Empire at the period when this latter had the Roman citizenship. This limitation, in place of being an attack on the authority of the municipal officers, would then be a privilege of Roman citizens, — that of not being judged in respect of considerable debts except by the praetor of Rome or by his representative in the provinces, as in cases of criminal accusation they were only amenable to the governor, with the right of appeal to the Emperor. This interpretation seems authorized by the *lex Sempronia*, which, in order to lessen the evils of usury, prescribed *ut cum sociis ac nomine Latini pecuniae creditae jus idem quod cum civibus* (Livy, xxxv. 7, to the year 561 U. C.).

⁴ So Marquardt. *Handbuch*, iv. 67.

⁵ *Sent.* v. 5a, 1. According to a fragment of municipal law (67 B.C.?) found in the

vincials had become citizens. Paulus does not speak of the clause *de omni pecunia*, which possibly at that period had disappeared. Whether this view be correct or not, different texts of the first century authorize the statement that the privileged cities of the provinces were, in respect of civil jurisdiction, in the condition assigned to the cities of Italy by what we know of the *lex Julia*. On the *Bronzes of Osuna* the powers of the duumvir are summed up by the juridical words which express the power of the Roman magistrate, — *potestas* and *imperium*. The law of Malaga¹ declares: "Let the magistrate state the law and assign the judges." To the power which was recognized in him of preparing the sentence, a jurisconsult adds that of causing its execution;² finally, we know that at Genetiva the local judge could punish with a fine of a hundred thousand sesterces the infraction of a municipal regulation.³

What legally remained to the governor in civil matters as regards privileged cities? The causes that parties brought by appeal to him, the suits relative to municipal debts and credits going beyond a certain total,⁴ and, lastly, the disputes which arose between two cities. Thus Trajan sent a legate extraordinary to Greece to fix the limits of the sacred territory of Delphi;⁵ another

environs of Este in 1880, the duumvir was able, in *actiones famosae*, to deliver a formulary and appoint a judge or umpire when the interest at stake did not exceed ten thousand sesterces and the defendant agreed to the procedure. Esmein, in the *Journal des Savants*, 1881, p. 123.

¹ Art. 65: . . . *Jus dicito, judiciale dato*. See p. 37, note 6, the commentary of Ulpian on the powers of the *jus dicentis*. On the division of the suit into two parts, — the procedure *in jure* before the magistrate invested with jurisdiction, who determined the subject of the pleading and indicated the line to be followed, and the procedure *in judicio* before judges whom he appointed to hear the cause and pronounce the decision, see Keller, *De la procédure civile chez les Romains*, sect. 1, trans. Capmas.

² *Regiones dicimus intra quarum fines singularum coloniarum aut municipiorum magistratibus jus dicendi coercendique libera potestas* (Siculus Flaccus, *Gromat. Vet.*, edit. Laehmann, i. 135). Cf. the curious passage in Strabo on the election of the Lycian body of magistrates and judges (xiv. 3, 3).

³ In the third century Paulus still said in general terms: *Apud magistratus munic., si habeant legis actionem, emancipari et manumitti potest* (*Sent.* ii. 25, 4).

⁴ *Lex Mal.* 69.

⁵ See Vol. V. p. 291. Vespasian charges his procurator in Corsica to fix the boundaries of the two communes, and sends him for that purpose a surveyor, *mensorem* (Orelli, No. 4,931); Trajan does the same thing in Macedonia (*C. I. L.* iii. 591); Hadrian in Thessaly (*ibid.* 586), in Thrace (*ibid.* 749); Claudius in the Tyrol (cf. the curious *Table de Clos*, found in 1869, edit. Dubois). The Republic had done the same (cf. Or. Henzen, Nos. 5,114 and 5,115).

time he wrote to the proconsul of Achaia to examine into the dispute between Lamia and Hypata, and himself give a decision. For like cases the intervention of the sovereign power is still needful at the present day.

These are, then, the various classes of cities, which were very nearly autonomous in their internal administration;¹ and history, in exhibiting the solicitude of the Emperors in behalf of the provinces, furnishes proof that in the time of the Early Empire these local rights were generally respected.

As regards criminal cases also, the texts of the third century show the municipal jurisdiction to be singularly limited. The *duumvir* or the *aedile* had the right of pronouncing only a fine against the freeman, against the slave only a moderate chastisement.² These last words carry their date with them: they could only have been written after the Antonines; in fact it is Ulpian who uses them. Quite different was the right in the Early Empire; and to measure the difference in municipal liberties at the beginning and at the end of the period we are studying, we need only contrast the slave of whom Cicero speaks, who was crucified, after having had his tongue cut out, by order of the magistrates of an Apulian town,³ and him of the third century, on whom these same magistrates could inflict but a *modica castigatio*. The people of Minturnae believed they had captured a robber: they judge him, condemn him to be tortured, and afterwards put him to death.⁴ This was the ancient jurisdiction; the new pronounces a fine.

In Italy the right of urban courts was suspended in the matter of crimes which the *quaestiones perpetuae* punished. So in virtue of the Cornelian law *de sicariis*, Cluentius of Larinum, in Apulia.

¹ Bethmann-Hollweg (vol. i. sect. 18, p. 41) says of the Latin and federated cities: . . . *genossen sie übrigen vollkommenen Autonomie, also eigne Gesetzgebung und Gerichte.* Cf. *Id.*, ii. 21 *et seq.* It is also the opinion of Kuhn. The tributary cities, which were least numerous, remained, it is needless to say, while they had their own laws and a certain jurisdiction, subject to the oversight and orders (*προστάγματα*) of the governors. The edict of Cicero to his province of Cilicia (*Ad Attic.* vi. 11, 15) shows how widely the proconsular authority extended in these cities.

² *Modica castigatio* (*Digest*, ii. 1, 12). On the subject of penalties, see later.

³ *Pro Cluentio*, 64–66. Another example at Catana. Cf. Cicero, *Verr.* iv. 45.

⁴ Appian, *Bell. civ.* iv. 28. Cf. Livy, vii. 17, where two colonies desired to put to death those of their citizens who had taken part in a war against Rome. I do not mention the case of Marius, who, being proscribed, could be killed anywhere.

could not be judged in the city where the crime had been perpetrated; the matter was brought to Rome, before the permanent commission."¹

In the provinces the governor had criminal jurisdiction;² but he did not exercise it everywhere, nor always to the same extent. In the first place, preservation of public order in the cities was



PERISTYLIUM OF THE QUÆSTOR'S HOUSE AT POMPEII.

necessarily cared for by the urban magistrates: for all the military forces of the Empire being at the frontiers, the security of the interior still depended, as under the Republic, upon the vigilance of the local authorities.³ Each city had its prison, guarded by public slaves,⁴ and in case of outbreak, misdemeanor, or crime, the duumvirs shut up the accused in it: in that of Pompeii have

¹ Cic., *Pro Cluentio*, 6. Polybius (vi. 13) shows the Senate of his time already capable of trying these crimes in whatever part of Italy they may have been committed.

² *Mirton et merum imperium* . . . *Merum est imperium labere quilibet potestatem in facinorosos homines*. Cf. Ulpian, in the *Digest*, ii. 1, 3.

³ Appian shows (*Bell. civ.* iv. 28) the inhabitants of Minturnæ going in pursuit of the bandits on their territory: ἐπὶ ζητέσει λατρεύον . . . περιβόητων.

⁴ Pliny, *Epist.* x. 40. These public slaves were in a peculiar condition: they could hold property, and even make a will: *Servus publicus populi Romani partis dimidiæ testamenti faciendi jus habet* (Ulpian, *Reg.* xx. 16).

been found the remains of four men who were in fetters there at the time of the catastrophe. At Philippi, a Greek city and Roman colony, a tumult arising as a result of the preaching of Paul and Silas, the magistrate ordered them to be seized, beaten, and thrown into prison.¹ Things happened in much the same way at Lyons in the case of the Christians of that city. But how far could the duumvirs conduct the matter? At Lyons, the residence of the



CORPSES BURIED UNDER THE ASHES AT POMPEII.²

governor, they make the preliminary inquiry, put the accused under temporary detention, and await the supreme authority of the province: for it was a question of high treason. At Jerusalem, in the trial of Christ, the proceedings go farther, because the matter did not at first concern the Romans. He is arrested, examined, and judged by the Sanhedrim, who then seek from Pilate the sentence to the Roman punishment of crucifixion.

The *Acts of the Apostles* give another instance. On two occasions the priests ordered Peter and John to be imprisoned, and then assembled to pronounce judgment. The first time fear of the people stopped them; the second, they were about to con-

¹ *Acts*, xvi. 22-23.

² These corpses were restored by means of liquid plaster poured into the hollow left by the destruction of the bodies.

damn them to death when, by the advice of Gamaliel, they were persuaded to let the matter drop. However, they did not release the prisoners until after having ordered them to be beaten with rods. Some months later Stephen was stoned, and no mention is made in the *Acts* of the intervention of the procurator. Paul himself reminds the Jews of the part he took in the trial and execution. Before his conversion he caused to be beaten in the synagogues those who believed in Jesus; he dragged them to prison and gave his vote against them when it was a question of punishing them with death. He adds: "I received authority from the chief priests." The latter even commissioned him to go to Damascus to seize the Jewish converts.¹ This mandate to bring to trial, delivered by the chiefs of the nation at Jerusalem, and to be executed outside of Jewish territory, proves, if it be authentic, that the Emperors recognized in the Sanhedrim, over those of their own nation, rights of justice and repression that were remarkably extensive.

After the outbreak which took place in Jerusalem when the report had been spread that Paul had introduced Gentiles into the temple, we see again appearing the right of the great national council to institute a criminal process. The priests wish to arrest the apostle and judge him; the Roman garrison interferes in the interests of public order, and Paul, snatched from the hands of the crowd, is sent to Caesarea. The high priest Ananias and some elders follow him thither; they complain to the procurator: "We have found this man a pestilent fellow, and a mover of insurrections among all the Jews throughout the world: . . . who moreover assayed to profane the temple: on whom also we laid hold."² Now the Jewish law punished with death profaners of the holy place; and that no one should be ignorant of it, the prohibition to strangers, under penalty of death, against entering the sacred precincts was engraved in Greek and Hebrew on the wall which separated the court of the Jews from that of the Gentiles.

But Paul possessed Roman citizenship, which made the affair more delicate; it dragged along for two years, the Jews continu-

¹ Saul is here, said a Christian of Damascus, with authority from the chief priests to bind all that call on the name of Jesus (*Acts*, ix. 1, 2 and 14).

² *Acts*, xxiv. 5-8.

ally demanding that the prisoner should be sent back to Jerusalem, as amenable to the tribunal of his nation and not to that of Rome. The procurator, whom this complicated case embarrassed, at last yielded to their wishes;¹ upon which Paul gained security by an appeal to Caesar.

Thus, according to the *Gospels* and the *Acts*, the chiefs of the people at Jerusalem, when the person concerned was not a Roman citizen, order arrests, cast into prison, beat with rods, and condemn to death, but deliver the condemned to the Roman officer, who verifies the reasons of the sentence, and if he finds it just, proceeds to execution. This is the definitive judgment, having a sanction which the other had not, — the punishment. The former was nevertheless a real judgment, since without the sentence of the national judges Pilate would not have ordered the execution of Jesus.



COIN OF THERMÆ,
THE ANCIENT
HIMERA.²

The Areopagus of Athens had more liberty than the Jewish Sanhedrim. A man being accused of forgery, it condemned him; a proconsul passing through the city, one of the proudest patricians of Rome, asked pardon for the condemned, but it was refused him.³ At Marseilles the judge sentenced to exile, which is a capital sentence.⁴ In Sicily the praetor himself wished to decide in the trial of a citizen of Thermæ for forgery of a public document; the accused person refused. "The Roman Senate and people,"

¹ Cicero says, in *De Legibus*, iii. 3: *Quum magistratus judicasset, invogassitque, per populum mulctar, poenae certatio esto*. Is it according to this principle that the procurator of Judaea, the Emperor's representative, i. e., of the Roman people, fixes the penalty and orders the execution?

² Woman standing and sacrificing; on the right a satyr receiving the water which flows from a fountain; in the field a grain of barley. Tetradrachm of Himera or Thermæ Himenses.

³ Tac., *Ann.* ii. 55. The *crimen de fulso* was one of the indictments which in Italy belonged to the jurisdiction of one of the *quaestiones perpetuae*. Cicero recalls a sentence of exile pronounced at Athens (*Tusc.* v. 37, 108); Demonax was there accused of impiety (Lucian, *Dem.* 11). Dion, in his seventh oration, mentions, in a town of Euboea, an assembly before which an inhabitant of the island was accused. According to the famous decree of Hadrian respecting the exportation of Attic oils, small infractions were adjudged by the Senate, great ones by the people (*C. I. G.* No. 375). The suit of the Athenians against Atticus Herodes was taken before the Emperor (Philostratus, *Herodes*), because Atticus was a Roman senator.

⁴ Asconius, *In Milon.* p. 54.

said he, "have restored their city to the Thermitans, and their territory and their laws;" and he claimed to be judged by the magistrates according to his country's law.¹ Chaeroneia does not seem to have been even reckoned among the privileged cities, yet its senate pronounced a capital sentence against one of its noblest citizens;² and when an Italian duumvir is seen, in order to increase the attraction of a festival which he gave the people, to cause four men to be thrown to the wild beasts,³ it appears that the one who orders the punishment had also pronounced the sentence. Appian shows us the magistrates of Minturnæ condemning to torture and death. At Alexandria a revolt breaks out against the prefect of Egypt, the most powerful and feared of the governors. It is not he who takes action in the case: the municipal officers cause the offenders to be arrested, question them in the midst of the instruments of torture, discover the instigator of the disorder, and hand him over to the public assembly. Some demand against him a decree of infamy; others, exile; the majority, death: and he escapes it only by a precipitate flight.⁴

Only one fact more. In the *Tripolitana Regio* a quarrel arises between Leptis and Oea (70). Both sides arm and fight furiously, like two independent states. The people of Oea, beaten in a pitched battle,⁵ appeal for help, not to the Romans, who are far away, but to the Garamantes, who prowl around the frontiers. These nomads throw themselves into the territory of the conquerors, ravage it, and the cohorts arrive from the province of Africa only to drive away these enemies of the Empire. Is it credible that the magistrates of these warlike towns sent across the desert to the proconsul at Carthage the slave, the *humilior*, or the captive, whom they desired to have executed? After these facts and this testimony we shall not be astonished to read in Apuleius that a slave was crucified, a gardener executed, a matron banished for life, by the decisions of municipal officers, and that the author himself on one occasion had reason to fear being put to the torture

¹ Cic, *In Verr.* ii. 37.

² Plutarch, *Cimon*, 1 and 2.

³ . . . *Ob honorem quinq. spectaculum glad. triduo dedit et noxos quattuor* (Mommson, *Inscr. Neapol.* No. 6,036).

⁴ Philo, *In Flacc.*

⁵ *Discordiae quae . . . jam per arma atque acies exercebantur* (Tac., *Hist.* iv. 50).

and sent to execution.¹ It may be that this book by Apuleius is only a romance; yet we can hardly imagine that this advocate, the son of a duumvir, should have invented imaginary laws.

That these laws existed only among peoples specially privileged under one title or another, we cannot doubt. But seeing that certain cities of France in the sixteenth century and certain English counties in the seventeenth held the right of life and death,² we are the less surprised to meet with the same right in the agglomeration of cities under diverse conditions which composed the Roman Empire.

The historians of this period took no notice either of punishments or of those who underwent them, when only unimportant persons were concerned. Tacitus, however, gives us an appalling total: for the famous sham-fight on Lake Fucinus, Claudius called together from the provinces nineteen thousand convicts condemned to death. These were strong young men, since they were to serve as marines or oarsmen in a naval battle; it is therefore probable that they had left behind them in the prisons many like themselves who had not been regarded as fit for the journey or the show. Had the governors conducted this great number of trials? Must they not have been aided by the municipal magistrates, to be equal to the task of causing order, security, and law to prevail, without a single soldier, in the midst of a hundred millions of men? Many peoples from whom Rome had required only the surrender of their external sovereignty, all those cities which we regard as placed outside the Empire, must have for a long time preserved the activity of their tribunals. In the reign of Marcus Aurelius, a jurisconsult said: "For certain crimes the punishment differs in the different provinces."³ These differences arose from local customs which the conqueror had respected. What wonder that he

¹ *Met.* lib. ix. *sub fine*, and x. *initio*. Plutarch (*Praec. pol.* 19) speaks of a certain Petreus who was burned alive by the Thessalians, but without saying whether it was the result of a judicial sentence or a riot.

² The ordinance of Moulins, written out by L'Hôpital, recognized it as still theirs, and Loyseau expresses surprise at it (*Traité des seigneuries*, cap. xvi. sect. 80). In the reign of Charles II., in order to put an end to the raids of the Scotch marauders, the magistrates of Northumberland and Cumberland were authorized to raise companies of armed men, and the expenses were met by means of local rates (Macaulay, *Hist. of Eng.* cap. iii.). A similar evil necessitated, in the first century of the Empire, the same remedy.

³ Saturninus, in the *Digest*, xlviii. 19, 16, sect. 9.

also respected some of the ancient powers which were derived from them! The principal function of the duumvirs, indicated by the very name of their office (*de jure dicundo*), was to administer justice and see their sentence carried out. When we find that an obscure town like Genetiva possessed the right of arming its inhabitants and investing the duumvir who commanded them with the powers possessed by the military tribune in the Roman army,—that is to say, in certain circumstances with the right of life and death over his soldiers and captives.¹—we cannot help believing that these magistrates had exercised all authority except in case of crimes, the cognizance of which, reserved in Italy for the Roman praetor, in the provinces must have belonged to the governors.²

Did the magistrates of the privileged cities act by virtue of a power of their own? Assuredly so in the free cities, for Athens, Alexandria, Haliartus, and Thermae passed condemnation and had the sentence carried out in cases of crimes provided for by the Cornelian laws. Similarly in the colonies, since by one of those changes so frequent at Rome, the judicial powers of the public assembly had been transferred by Augustus to the municipal senate.³ We have seen that at Genetiva the duumvirs had the *imperium* and the *potestas*,⁴—doubtless with the obligation, as at Jerusalem.

¹ Art. 103. I am quite aware that Polybius (vi. 37, 8) confines himself to saying of the tribune, *κύριός ἐστι καὶ ζημιῶν ὁ χιλιάρχος καὶ ἐνεχυραζῶν καὶ μαστιγῶν*; but these are the rights of a time of peace. In war, in face of the enemy, a tribune at the head of an isolated detachment might be forced by circumstances to use the *jus g'adu*, as in a similar case a colonel, or even a captain, would do among us. Tacitus (*Ann.* i. 38) relates that M. Egnius, only a prefect of the camp, caused two vexillarii to be killed to prevent a sedition, and declared that he should treat as deserters those who would not follow him, *bono magis exemplo quam concessa jure*, he says. The prefect of the camp was often only a *primipilus* (Orelli, Nos. 3,449, 3,509, etc.).

² Bethmann-Hollweg (*op. cit.* ii. 24) ascribes to the Italian duumvirs, according to the *lex Julia*, the entire criminal jurisdiction, except for crimes punished by the Cornelian laws and of which before these the Senate took cognizance (see p. 50, note 5, the quotation from Polybius). The *quaestiones perpetuae* (Vol. II. pp. 368–369) first of all succeeded to this jurisdiction, which passed under the Empire to the urban and praetorian prefects and to the consuls of the different regions. We read in the *Digest*, i. 18, 10–11: *Omnia provinciarum desideria quae Romae varios judices habent ad officium praesidum pertinent*. According to Gaius (*Comm.* i. 6) the governor in his province has the same jurisdiction as have the two praetors in the city.

³ The celebrated inscription on the altar of Augustus at Narbonne (Orelli, No. 2,489) records that this Emperor *judicia plebis decurionibus conjunxit*: the fact could not be an isolated one. According to another interpretation, Augustus simply added to the decurions, for trials, a certain number of plebeians, as he did at Rome by creating the *decuria* of the *duenarii*.

⁴ *Bronzes of Osuna*, cap. cxxv. The *imperium*, which was conferred at Rome by a *lex curiata*, had been given to the magistrates of the colony *jussu C. Caesaris dict.* As regards the persons designated in cap. cxxvii., I believe it refers to Roman magistrates temporarily at

of referring to the governor for execution, and with the right of appeal.¹ Lastly, the Roman magistrate often delegated his right to judge;² an article of the *Bronzes of Osuna*³ declares that this delegation can be made to those only who have in the colony the right to administer justice, *i. e.*, to the duumvir or aedile.

In the matter of jurisdiction it is therefore necessary to conceive the Roman province as divided into two different domains, whose frontiers, though often confounded by the republican proconsuls, were habitually respected by the imperial lieutenants: on the one hand, the provincial soil, the actual property of the Roman people, in which the full powers of the governor were exercised;⁴ on the other, the territory of the privileged cities, where the Roman authority was limited by treaties and by the immunities recognized as belonging to these peoples. Within the former of these domains the governor decided all affairs of importance;⁵ within the latter, in criminal matters, it would seem that he had, in the colonies, the municipia, and the Latin cities, only the cases reserved by the Cornelian laws, the examination of capital sentences passed by the duumvirs, the appeal from all other sentences, and recourse to his court by the cities or private persons.

Genetiva or who had come to that colony to try reserved cases; the hypothesis offered on this point by Mommsen seems, therefore, needless.

¹ Plutarch, blaming a tendency which already showed itself in his time, of having recourse to governors even for small matters, adds that this is to remove all authority from the senate, the people, the tribunals (*δικαστήρια*), and the magistracies (*Præc. polit.* 19). Nevertheless, he recommends his statesman to have recourse to the Roman magistrate in case of scandalous suits (*δίκας ἀνπεπεῖς*), which might disturb the city, in order, by putting them to unusual trouble, to take away from those bringing such suits the desire to go on with them (*Ibid.*, 25).

² *Mandata jurisdictione*. It is discussed at length in the *Digest*, i. 21, 1, and ii. 1, 16-17. The jurisdiction originating from a law, a senatus-consultum, or an imperial constitution, could not be delegated unless from absence, *si abesse coeperit; quæ vero jure magistratus competant, mandari possunt*. "I have often heard it remarked by our Emperor," says Julianus, "that the governor himself is not compelled to judge. It is for him to decide whether he will conduct the trial or appoint a judge" (*Digest*, i. 18, 8-9). See in Vol. IV. p. 102, the judicial organization at Rome. Outside Italy the judges selected by the governor were taken from the members of the *conventus* and the notables of the province, *i. e.* the decurions and the duumvirs, *in albo decurionum*, says Keller (edit. Capinas, p. 41). This form of procedure, *judicium privatum*, lasted a long time; but judgment *extra ordinem* finally became the rule, and in Diocletian's time the revolution was accomplished.

³ Chap. xciv.

⁴ *Amplissimum jus* (Gaius, *Comm.* i. 6).

⁵ Both for civil and criminal. See the enumeration made by Cicero (*Ad Attic.* vi. 1, 15). Claudius even gave to the governors the special jurisdiction of trusts. Cf. Suet., *Claud.* 23; Gaius, ii. 278. The title *de officio praesidis* in the *Digest* (i. 18) is applicable for the first two centuries only to the stipendiary cities.

The writings of the juriconsults of the Early Empire, which might have enabled us to know its administrative system, being lost, a good deal of difficulty remains on this question, and we must be satisfied with but a glimpse of certain matters. Yet if we read two political treatises of Plutarch,¹ a contemporary of Marcus Aurelius, we shall find in them, in the midst of melancholy regrets for a lost independence, the proofs of a very active municipal life. The discourses of Dion Chrysostom show the interior life of cities under the same aspect.

The municipium had its own religion as well as its own system of justice, its administration, and its finances. Its priests, pontiffs, flamens, augurs, were as freely chosen as its magistrates,² but were not annual, as they were; and while it is true that the local divinities had consented to share their altars with the gods of Rome, the former still kept the affections of the inhabitants, who were resolutely attached to the national worship, the ancient festivals, — in fact, to all things earthly and heavenly which recalled the remembrance of their ancestors and of their old independence. The city was then a complete whole, having all the organs necessary for its multifold functions, liberty being its vital principle.

These cities were not, like ours, kept carefully isolated. The provincial assembly brought together their deputies³ every year; some had besides close relations with their neighbors. They mutually contracted bonds of public hospitality, which established reciprocal rights, or they were associated for some common work,⁴ or for games or festivals. Eleven Lusitanian cities built the bridge of Alcantara, which is still standing,⁵ and a number of inscriptions

¹ The *Praecepta politica* and the *An seni gerenda sit*, etc.

² In the colony of Apulum (Carlsburg) the sacerdotal body was composed of a pontiff, an augur, a flamen, an aruspex, and some augustals (*C. I. L.* iii. 183). At Genetiva (cap. xci.) the pontiffs and augustals were chosen like the decurions. At Vienna the flamen was nominated by the curiae (Henzen, No. 5,996, and Herzog, Nos. 504, 518). The priestly office in the municipalities and colonies was perpetual, and it seems, according to certain inscriptions, that the office of pontiff exceeded in dignity that of flamen and augur. In the inscription of Orelli, No. 2,298, the office of aruspex is held by a freedman already *scriv Aug.*; it was therefore of an inferior order. That of flamen was also bestowed on women: *Flaminica Aug. Herae*, etc.

³ See several examples of these associations in Herzog, *Gall. Narb. pr. Rom. Hist.* p. 232.

⁴ Orelli, No. 156. One of these inscriptions of Trajan's time (*C. I. L.* v. 875) runs: . . . *Ut incolae muneribus nobiscum fungantur.*

⁵ *C. I. L.* ii. 759. See representation of this bridge facing p. 274 of Vol. V.

show cities bearing the expense of making roads useful to all. The three colonies of Cirta,¹ with their metropolis, formed an actual state, in which the municipal aedile was invested with the powers granted to the Roman quaestor in the proconsular provinces.² The twenty-three towns of Lycia were a sort of federal republic; and there were said to be, besides the confederation of the three great cities of the region of the Syrtes, a *tripolis* in the Isle of Lesbos,³ a *tetrapolis* in Phrygia, a *pentapolis* in Thrace,⁴ etc.

We have now collected facts enough — and this is all that concerns political history — to give us the right to regard the Early Empire not as a state in the modern sense of the word, with officials everywhere present, acting always and everywhere in the same manner, but as an aggregation of republican communities which, subjected to a central power as regards political sovereignty and taxation, were not as yet subjected to a vexatious administration. These communities in the regular course of things managed their internal affairs according to their own judgment: the boroughs and colonies with greater liberty, the tributary cities with less, the free and federated cities with a real independence. Doubtless in this society, where public law was ill defined, the Emperor preserved over the whole Empire that superior authority which the Senate had formerly exercised over Italy. — an authority which at certain moments must have singularly restrained the liberty of the cities.⁵ Without doubt, also, two things sometimes came into conflict, as may be the case in all periods, — law and fact.

¹ L. Renier, *Inscr. d'Alg.* Nos. 2,296, and 2,529, 2,530.

² *Ibid.*, Nos. 2,172, 2,173, 2,325, etc. Cf. Mommsen, *Hermes*, i. 65 *et seq.*

³ Perrot, *Mém. d'archéol.* p. 174.

⁴ This *pentapolis* became a *hezapolis*, after the time of Hadrian, by the addition of a sixth city (*Id.*, *ibid.* pp. 192 and 447).

⁵ According to Polybius (vi. 13, 4) the jurisdiction of the Senate over Italy was exercised in certain clearly determined cases, — treason, conspiracy, murder, poisoning; and in others which, on the contrary, were very vague: . . . εἰ τις ἰδιώτης ἢ πόλις τῶν κατὰ τὴν Ἰταλίαν, διαλύσεως, ἢ ἐπιτιμῆσεως, ἢ βρομβείας, ἢ φιλολογίας προσδέεται, τούτων πάντων ἐπιμελὲς ἐστὶ τῇ συγκλήτῳ. The imperial administration had certainly preserved these habitudes of republican administration. These were the "royal cases" of the old French monarchy. So, by virtue of a dominal right, the Senate in its provinces, the Emperor in his, conceded to individuals the privilege of opening public markets which were held twice a month (Frontinus, in the *Gromatici* of Lachmann, p. 53; Pliny, *Epist.* v. 4; Suet., *Claud.* 12; *Digest*, l. ii. fr. 1, and *Code*, iv. 60. Cf. L. Renier, *Inscr. d'Alg.* No. 4,111, and Wilmanns, *Ephem. epigr.* ii. 274). By virtue of the same right, the Senate had fixed the interest of money at 4 per cent per month in Cilicia, and Cicero, ignorant of this *senatus-consultum*, had made it 1 per cent (*Ad Attic.* v. 21).

At wide intervals a bad governor encroached upon the liberties of the citizens, and a good Emperor would appear to disregard them, by appointing a commissioner extraordinary to correct the abuses of a province.¹ It has been usual especially to dwell upon these violations of rights or this momentary forgetfulness of them: it is the rights themselves which we have sought to establish; and this examination shows that the Roman people had known how to solve, at least in the first organization of its Empire, the difficult problem of harmonizing a monarchical government with local liberties, and a very strong central power with the existence of a number of cities habitually very free.

Later we shall see what were the consequences of this fact as regards the general history of the Empire; but let us now enter one of these cities, — Salpensa, Malaga, or Genetiva Julia, since a stroke of fortune has given us back a part of what one might call the charter of these three cities. Except some differences of detail arising from local usages, these laws would reproduce, if we possessed them in their completeness, the general principles of municipal legislation at the end of the first century of the Empire.

II. — INTERIOR OF A ROMAN CITY: THE PUBLIC ASSEMBLY, THE CURIA, THE MAGISTRATES.

THE organs of municipal life which Graeco-Latin antiquity had everywhere established, — namely, the general assembly of the people, or the sovereign; the senate, or the deliberative body; and the magistracy, or executive power, — existed in our three cities. There were found also in them the two fundamental principles of the political organization of ancient Rome; namely, the duality of powers and the right of *intercessio*, — *i. e.* of appeal to an equal or superior magistrate.

¹ As Pliny was sent into Bithynia, and Maximus to Achaia, *ad ordinandum statum liberarum civitatum* (Epist. viii. 24; cf. L. Renier, *Inscr. d'Alg.* No. 1,812). Wescher (*Delphes*, pp. 22-23) and Orelli-Henzen cite other examples (Nos. 2,273, 6,450, 6,483, 6,484, 6,506). These *missi dominici* were, however, sent to correct abuses, not to suppress ancient liberties. Trajan says this expressly to Pliny: . . . *Sciant hoc, quod inspecturus es, ex mea voluntate, suis quae habent privilegia, esse facturum* (Pliny, Epist. x. 57), and Pliny repeats this to Maximus (viii. 24).

The assembly was divided into tribes and *curiae*,¹ one of which, drawn by lot, included the *incolae* who had Roman citizenship or the *jus Latii*.² This assembly made the elections, voted on the propositions presented by the magistrates, and ratified the decrees prepared by the decurions. When it was a question of renewing the administration of the city, the eldest of the duumvirs presided. He received the declaration of the candidates, and to each of them addressed the following questions, which seem taken from the Julian law:³ "Are you of free condition (*ingenuus*)?"⁴ Have you incurred any judicial sentence, or followed any trade which renders you legally incapable of holding office? Are you twenty-five years of age⁵ and five years a resident of the city? What public office have you held? How many years have passed since the expiration of your term of office?"

The president also made certain that the candidate had the amount of property required for entrance to the senate and a sufficient fortune for the liabilities which he would incur in the exercise of his functions. At Malaga the duumvir and quaestors must furnish bondsmen (*praedes*) and pledge a sufficient piece of real estate. The *Bronzes of Osuna* require this property to be in the city or its environs, not further distant than a mile, so that it could easily be seized in case of forfeiture.⁶ If the candidates are fewer in number than the places to be provided for, the president

¹ At Berytus (Beirut) the curia was subdivided into thirties (L. Renier, *Bibl. de l'École des hautes études*, xxxv. 302). Certain cities even had the Roman division into *seniores* and *juni-ores*; at Lambese, for instance (L. Renier, *Inscr. d'Alg.* Nos. 1,525, 3,096, etc.). It is probable that there were also classes determined by a property qualification (cf. Cicero, *In Verr.* ii. 55); and one of the questions put to the candidate proves that precautions had been taken, as in republican Rome, to deprive the poor man of his vote.

² This arrangement no longer leaves any doubt on the authenticity of the passage so much disputed in Livy xxv. 3: . . . *Ubi Latini suffragium ferrent*.

³ In cap. viii., in which are mentioned the cases of disqualification for the decurionate, with a penalty of fifty thousand sesterces to the people's profit, pronounced against those who offered themselves for election when they belonged to those disqualified.

⁴ *Lex Malac.* 54.

⁵ *Bronzes of Osuna*, chap. xci. The Julian Law (chap. vi.), the Pompeian Law for Bithynia, and that given by Claudius Pulcher to Alaesa (Cic., *In Verr.* ii. 2, 49) required thirty years of age; Callistrates says that in this matter the custom of the country was usually followed, *Lex cujusque loci* (*Dig.* vi. 5, sect. 1).

⁶ *Lex Malac.* 57 and 60, and *Bronzes of Osuna*, cap. xci. The *praedes* were subjected to all the rigor of execution without trial, which constituted a very easy and sure form of obligation for the municipium, but very rigorous towards the debtor (P. Dareste, *Des Contrats de l'État en droit rom.* p. 56).

of his own accord proposes them: but citizens liable to bear this costly honor¹ have the right of naming others fulfilling the required conditions: after which all these names are posted up in a place where the people can read them.² The Julian law required in addition three years' service in the legionary cavalry, or six in the infantry. The requirement must have disappeared after the establishment of the standing army: but all the others were retained, and no new regulations were introduced restricting the choice. This method of election to the municipal senate lasted a hundred and thirty years after the Julian law, and was even in existence later under Trajan and Marcus Aurelius. At the beginning of the second century that organization was yet remote which was to close the curia against plebeians and was to change into an hereditary administrative body this deliberative assembly whose members had attained the decurionate by the way of having been elected to a magistracy.

The candidature once made public, the candidate had need to watch over his conduct. It was forbidden him, under a penalty of five thousand sesterces, to give or cause to be given any public festivities during the year preceding the election,³ or even to invite to his house more than nine persons at one time: and such invitation must have been given only the evening before.⁴ The municipium

¹ We see that at Malaga, as in Bithynia, there were persons who *abdi fiant decuriones* (p. 280). Ulpian indirectly repeats the same thing in the *Digest*, l. 2, 2, sect. 8, and Papirius Justus cites on this matter a rescript of Marcus Aurelius (*ibid.* l. 1, 38, 6). This does not mean that in the first and second centuries persons were already avoiding municipal functions. Some did so, as is the case often among us, from a desire for quiet and contempt for popularity: others, not to risk their fortune. Thus, under Tiberius, an Alexandrian complains, on account of the insufficiency of his property, that the superintendence of the gymnasium was imposed on him (Philo, *In Flacc.* trad. Delaunay, p. 247). But the participation of the rich in civic administration was a necessity by reason of the onerous obligations which the magistracies imposed, and the law must have foreseen the abstention of those who did not wish to perform civic duties (*munus capere*). Yet the great severities belong to a time when Christianity made a void in the curia, because it was not possible to be a Christian and also a magistrate assisting at pagan rites. We have remarked that in the Early Empire the conditions of fitness for the decurionate were numerous, the causes of excuse rare, the exemptions but little desired (Houdoy, *De la Constitution des villes chez les Romains*, p. 247).

² . . . *ut de pluribus legi possint* (*Leg. Municip.* 51). This right of the president to nominate candidates for municipal offices was indeed an old Roman custom, and it paved the way for the later method of the curiae themselves making the nominations, the people having nothing else to do than confirm the election by acclamation.

³ *Bronzes of Ostia*, cap. cxxxii.

⁴ According to the Tullian law, presented at Rome by Cicero, these prohibitions lasted two years, as long as the *petitio*.

would not suffer it to be suspected that the people sold their votes, or that the candidates sought to buy them. Rome in her most austere days was not more scrupulous in preserving spotless the purity of her comitia—or in seeming to do so—by her laws against bribery.

At length the day of election arrives, and the president calls the citizens to vote. Each curia assembles separately, and the voters deposit their ballot (*tabella*) in a basket held by three citizens of a different curia who have sworn to receive the votes and count them faithfully. The duumvirs are first elected, then the aediles, lastly the quaestors; and the president announces the names of those who have the majority of votes. Five days later, the persons elected take an oath in the presence of the assembly to obey the laws and watch over all the interests of the city: "I swear by Jupiter and the divine Augustus, Claudius, Vespasian, and Titus, by the Genius of Domitian Augustus and by the Penates, to carry out exactly whatever this law and the interests of the city require, nor knowingly to do anything by deceit or fraud which may be contrary to it; to prevent as much as in me lies others from doing so; and to give no counsel or sentence otherwise than in conformity to this law and the interests of the city." Any one refusing to take this oath was condemned in a penalty of ten thousand sesterces, to the profit of the citizens.¹

If any disturbance prevented the regular holding of the comitia, a Petronian law, otherwise unknown, authorized the decurions to appoint prefects in the place of duumvirs.²

These honors were by no means gratuitous:³ the newly elected had to pay into the treasury the *honorarium*, often doubled by those who wished to do the thing grandly.⁴ This sum, which the

¹ *Lex Malac.* 59.

² Orelli, No. 3,679, and *lex Salp. cap.* xxiv.

³ Unless the curia had decided that it should be so, — *duumviratus gratuitus datus a decurionibus* (Mommsen, *Inscr. Ncap.* No. 2,096, and many others); but this exemption was the recompense for great services or previous acts of liberality which gave promise of others in the future. On the *honorarium*, see L. Renier, *Archives des Missions*, iii. 319.

⁴ A large number of inscriptions mention this usage. M. L. Renier has collected a large number of them in Numidia and the two Mauretaniae. Cf. Pliny, *Epist.* x. 113, 114, and Fronto, *Ad Amic.* ii. 6, who, while speaking of the sums spent by Voluminius to obtain the decurionate, show that this office was still, in the time of Marcus Aurelius, much sought after, since it was bought with a large sum of money, and when lost was greatly regretted. See, in the *Digest*, the title *De Sollicitationibus*, where the free gifts of the magistrates are treated of.

flamens, pontiffs, and augurs also paid, was always considerable: it was in some cases as much as thirty, forty, or even fifty-five thousand sesterces, without speaking of games and works of utility or embellishment for the city, on which the new dignitaries spent a good deal. A lady of Calama, in Numidia, elected priestess for life, gave four hundred thousand sesterces for the construction of a theatre,¹ and Dion Chrysostom reminds his fellow-citizens that his grandfather, his father, and himself had each in turn compromised his fortune in the offices which he had held. But then what honor and respect surrounded them, and how proudly these duumvirs and aediles walked the streets of their city, clad in the praetexta, as if they had been Roman magistrates of the early times! Preceded by two lictors, who bore the fasces before them, and followed by a crowd of public officers,—apparitors, scribes, tabellions, heralds,—they came into their courts, to sit in curule chairs and to give decisions in the name of the law. They were like two Roman consuls, and the pride of the cities was gratified by seeing in these local magistracies a reduced image of the supreme offices of the Empire.

The public assembly was not only an electoral power, but it was moreover the living representation of municipal sovereignty; and as such it was consulted regarding all the measures outside of the customary order. A number of Greek and Latin inscriptions mention the consent of the people (*δημος*), even of the plebs,² to propositions made by the curia, the choice of a patron for the city, honors to be given to a citizen, a statue to be erected to some public benefactor,³ etc. In certain cities, as Athens, Alexandria, the public assembly preserved even the judicial power.⁴ At

¹ Henzen, No. 6,001; cf. Pliny, *Epist.* x. 48. At Diana the dignity of flamen cost ten thousand sesterces; at Lambese, four thousand; at Verecunda, two thousand (L. Renier, *Inscr. d'Alg., sub voc.*); at Pompeii, ten thousand sesterces were paid for the office of duumvir (Mommsen, *Inscr. Neap.* No. 2,378); and at Ciria a like sum for each of the three magistracies,—aedile, triumvir, and quinquennial (L. Renier, 1832, 1835, 1836).

² *Consensus plebis*, at Tuficum (Or-Henzen, No. 7,170), at Narbonne (No. 2,489). The *epistaphia Pisana* show the people of Pisa passing a decree in favor of the grandsons of Augustus.

³ Cf. Orelli, at Histonium (No. 2,603), at Arretium (No. 2,182), at Sassina (No. 2,220), at Beneventum (No. 3,763), etc. The *Bronzes of Osuna* (cap. cxxxiv.) interdict magistrates in office from asking these marks of honor from the curia.

⁴ See above, pp. 44 and 45. Similarly at Bantia, *Tab. Bantina*, sect. 3; but this law is ancient, being probably of the time of the Gracchi.

Rome the words *Senatus populusque Romanus* were nothing more than a formula of politeness towards defunct powers; in the municipalities the legend *Ordo et populus* was still a reality.

But what was a municipal senate,—the curia, or, as it was already styled, the *splendidissimus ordo*?¹

In the colonies founded by the Roman people or in its name, the persons to whom the law, and later the Emperor, gave the duty of dividing the lands among the colonists, themselves appointed the decurions, augurs, and pontiffs of the new city.² This senate was afterwards filled up from the magistrates retired from office.³ from those whose names the quinquennials inscribed in the list drawn up every five years. For the last a simple condition had to be fulfilled,—they must have the senatorial property qualification, which at Como was a hundred thousand sesterces.⁴ Besides, custom required of them liberality towards their colleagues (*sportula*). How the curia was originally formed in the municipia and in the other cities we do not know; but it was everywhere renewed according to the rules above mentioned. It was therefore the people who at that time indirectly appointed the members of the city council, since they appointed the magistrates who renewed it. The contrary became the fact when, in the third century, it was requisite to have been a decurion in order to be a magistrate; but at that time the people had lost their importance, and the Empire was about to perish.

The council, generally consisting of a hundred members.⁵—the number being greater in the large cities, especially in the East, and fewer in the small.⁶—was called the “curia,” whence the name

¹ Orelli, No. 139 and *passim*.

² So at Capua, according to the agrarian law of Rullus (Cic. *De Leg. agr.* ii. 35). According to an opinion given by Pomponius, the decurions were, at the beginning, the tenth part of the colonists who had founded the colony (*Digest*, l. 16, 239, sect. 5).

³ Decree of the decurions of Tergeste, about the year 150 according to J. C. Wilmanns, No. 693: . . . *Prout qui meruissent vita atque censu per aedilitatis gradum in curiam nostram admitterent*.

⁴ Pliny, *Epist.* i. 19, and, perhaps, Catullus, xxiii.

⁵ Cic. *De Leg. agr.* ii. 35; Orelli, Nos. 108, 3,418, etc.; De Boissien, *Inscr. de Lyon*. The number of decurions must have increased when the popular assembly disappeared. The *lex Julia mun.* kept the number of senators always the same, by authorizing new nominations only to replace those deceased or those who had been expelled after condemnation.

⁶ Kuhn, *Die Städt. Verfass.* i. 247, and Or. Henzen, Nos. 4,034, 6,999. The *Tabula Heracleens.* (cap. v.) prohibits exceeding the prescribed number.

of its members, the decurions, who assumed also, like the senators of Rome, the title of Conscript Fathers,¹ and retained this title, also like them, for life, unless the *quinguenalis* or censor excluded them from the council by omitting their name from the senatorial list.

The Roman Senate was open to the sons of senators and of knights of the highest rank; the sons of the decurions and some young men of wealth (*praetextati*) were also allowed to be present in the municipal curia.² It was considered wise to give these persons opportunity for hearing the debates before taking part in them, and for studying state business before transacting it; they had no deliberative voice till twenty-five years of age. But in the case of rich young men of whom liberal gifts were expected, honors were often granted in advance of their years. At Ascoli a *praetextatus* of nineteen was augur and patron of the colony, — a crafty act of flattery, which levied a tax on vanity and was otherwise harmless, since for its discussions with men the city had other patrons,⁴ and its affairs with the gods it felt quite willing to leave in the hands of a minor.



DECURIONS' COIN.³

The decurions wore insignia which pointed them out to public consideration,⁵ and at the theatre, the festivals, the games, they sat apart from the common people.⁶ Accordingly, some of those who could not fulfil the conditions required for the decurionship — rich freedmen, for example — sought to obtain by services done to the city these *ornamenta*, a kind of civic decoration. Emulation among the citizens was thus aroused, and municipal life had more vigor. It is easy to see that this organization, modelled upon that of the conquerors of the world, would give pride to those who

¹ *Lex Malac.*, *passim*. The inscription in Orelli, No. 3,796, runs thus: *Vir patribus et plebi gratus*: and Orelli adds: *Decuriones . . . patres videntur se interdum vocasse*. Cf. Cic., *In Ver.* ii. 49, the *Tabula Heraclea* (lin. 85, 86), and the *Index* of Or-Henzen.

² See the *Album* of Canusium (*Inscr. Neap.* No. 635).

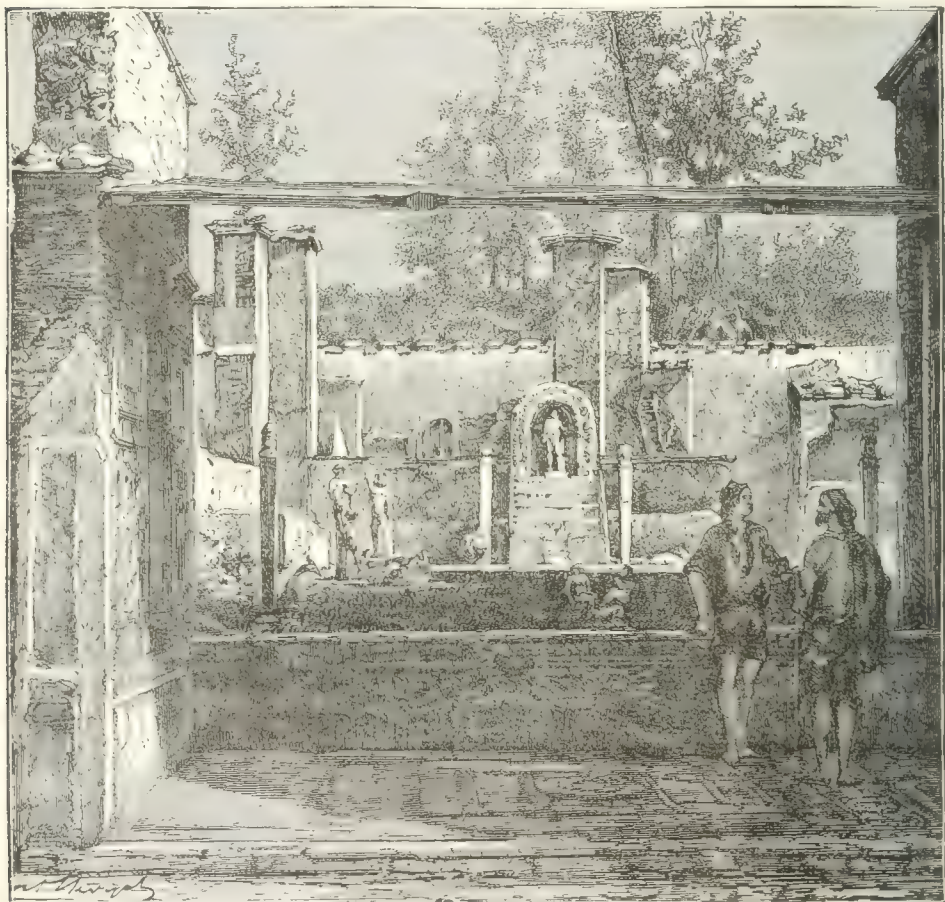
³ EX CONSENSU D. (*ex consensu decurionum*) C. C. I. B. (*Colonia Campestris Julia Babba*). Babba, according to Pliny, was a Roman colony founded by Augustus in Mauretania, forty miles from Lixus, with the surname Julia Campestris. Bronze with the figure of Aesculapius.

⁴ Orelli, Nos. 3,768 and 3,765.

⁵ *Ornamenta decurionalia* (L. Renier, *Inscr. d'Alg.* 1,529; Henzen, Nos. 7,006, 6,328, 6,111, 5,231, etc.).

⁶ *Bronzes of Osuna*, capp. exxi. and exxvii.

enjoyed its advantages, especially when we consider that to honors which gratified men's vanity was added the power which satisfied present ambition and opened the most brilliant prospects in the future, since municipal magistracies might and often did lead to the Roman Senate and to the great offices of state.



HOUSE OF A DECURION OF POMPEII (LUCRETIVS, FLAMEN OF MARS AND DECURION).

Like modern municipal councils, the curia deliberated on all questions in which the city or its territory was concerned. It passed decrees, and Hadrian had ordered obedience to them.¹ It determined the city's expenses, after appointing a commission to examine

¹ *Quod senat ordo decrevit non oportere id rescindi*; but he added, *Nisi ex causa, id est, si ad publicam utilitatem respiciat rescissio prioris decreti* (*Digest*, l. 2, 5). Thus we see, in this single expression, the old law of municipal liberties, and the new law, which was just coming in force, of the absolute dependence of the municipalities.

accounts,¹ it caused to be sold, when needful, the securities and pledges lodged in the municipal coffers, disposed of the common lands,² and appointed the priests.³ Its liberty of action was great, for its decisions needed not the sanction of the governor of the province, who, however, had power to annul any which were contrary to the prerogatives of the superior authority.⁴ The curia was thus in each city the deliberative power. It possessed, moreover, certain powers which we leave either to the executive power



THE THEATRE AT POMPEII.

or to the judicial authority. Thus, as heads of the great municipal family, the decurions could in some cases name the guardian whom the magistrate appointed for wards,⁵ and see to the forms of enfranchisement being carried out when the master of the slave was under twenty years of age.⁶ Later, they received documents and guaranteed their validity. They took possession of land for public uses, regulated compulsory labor for works in the city and the repairing of roads,⁷ and decreed honors to those citizens who had

¹ *Lex Malac.* 63, 67, 68.

² *Ibid.* 62-64.

³ Herzog, 504, 518.

⁴ *Ambitiosa decreta decurionum rescindi debent* (Ulpian, in the *Digest*, l. 9, 4, and *Code*, x. 46, 2). This is the idea of Hadrian's rescript.

⁵ *Lex Salp.* 29.

⁶ *Ibid.* 28.

⁷ M. Giraud (*Bronzes d'Osuna*, p. 12) considers "that the law of 1836 has done no more for our parish roads" than did the regulation at Osuna (cap. lxlviij). The payment in labor ought not to exceed, yearly, five working days for an adult male (from fourteen to sixty years of age), and three days for each wagon team. Chapter lxlx. contains a law of expropriation for the sake of public utility. This text seems to me to solve the question so often

deserved well of their country, or the erection of monuments for the adornment of the city. A number of inscriptions bear these words: "Erected by a decree of the decurions." After each election they examined acts of unworthy conduct or pleas of excuse of the elected,—a right which later passed to the central power, but in the first two centuries of our era permitted the decurions to annul the decisions of the people. There was an appeal to them against penalties fixed by the aediles and duumvirs,¹ which raised the curia above the magistrates; and to oblige the latter to call an extraordinary session of the senate, the demand on the part of one member was sufficient.² Lastly, at Osuna, where the curia seems, as it were, the old Roman Senate transferred to a little town, the decurions could call the citizens and residents to arms for the defence of the territory, send them into the field (*armatos educere*) under a duumvir or a prefect, furnish instructions to this officer, and invest him in the matter of discipline with the rights possessed by a military tribune of a Roman legion. We have no other example of a similar provision in our fragments of municipal laws, which are indeed so scanty; but there is no reason for supposing that it was special to this small Spanish city. This right, so necessary for the security of the inhabitants, must doubtless have been recognized, in the earliest times, as belonging to the municipal senates of all the important cities, they being held responsible to the supreme authority as to the purpose and the results of taking up arms, as was the case at Vienna and Pompeii. The legions ranged along the frontier would, without this precaution, have left the interior of the Empire to bandits and the coast to pirates, while the Germans and Sarmatians, the Arabs and

debated respecting expropriation as existent among the Romans. Absolute respect for Quiritarian ownership was the ancient principle (Cic., *In Rull.* i. 5; *De Off.* ii. 21; and the edict of Venafrum, Or.-Henzen, No. 6,428); moreover, Lic. Crassus was able to prevent a public aqueduct passing across his property (Livy, xl. 51). But the idea of the state and of the rights that its requirements created became so comprehensive that the rule had to yield, even at Rome. (Cf. *Revue de lég.* 1860, p. 97, and P. Dareste, *op. cit.* p. 40.) Outside Italy, the Roman people being the head landlord over provincial soil, the Emperor could expropriate without indemnity (*Digest*, xxi. 2, 11, pr., and vi. 1, 15, sect. 2). As regards cities whose public works were considerable, they could not have executed them unless the regulation of Osuna had been general. Ulpian shows (in *Digest*, viii. 4, 13, sect. 1) that by the side of the principle there was *custom*; and we must conclude from Frontinus that he was paid an indemnity.

¹ *Lex Malac.* cap. lxvi.

² *Bronzes of Osuna*, cap. lxlvi.

Moors, breaking through the intervals between the camps, would have desolated the provinces within.¹

When, in the third century, the popular assembly had been suppressed, the decurions inherited its electoral powers; they appointed to the magistracies and kept their own number full by cooptation; their importance seemed to have increased; even the levying of the taxes was confided to them. But they were held responsible for the tribute and for the heavy city obligations (*munera et curationes*), without having any hold upon the people whence their fathers had sprung, and hence were powerless: so that from the free magistrates that they originally were, they became the slaves of the administration.

The presidency of the curia belonged of right to the magistrate highest in dignity, and this president had the prerogatives that the Julian law assigned to him.² He made known the business of the meeting; then each senator, in order of rank, gave his opinion, either by speech or in writing, and the decisions were arrived at by the majority of votes. Also in many places, or in certain cases, to make the action taken valid, the presence of at least two thirds of the decurions was required,³ — a regulation which appears in the *Digest* as the general rule.

The highest magistrates of the city formed in the colonies two colleges, those of the duumvirs and of the aediles; in the municipia, one only, that of the quatuorvirs.⁴ The quaestors came next. All

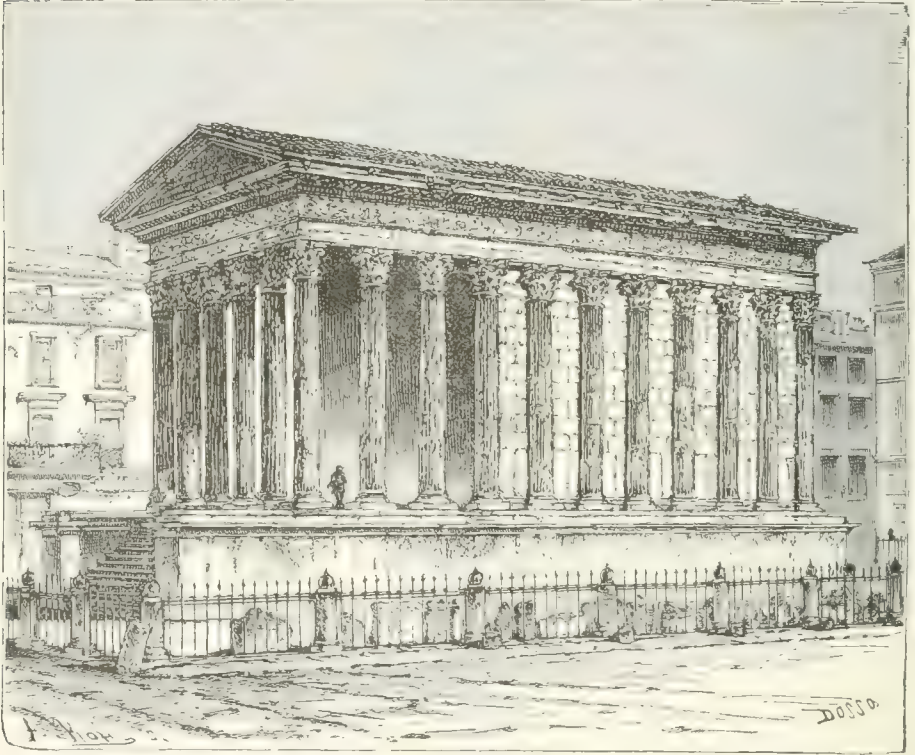
¹ See the *Mém. de l'Acad. des inscr.* vol. xxix. 2d part, for my paper on the *Tribuni militum a populo*.

² *Senatum habere, sententiam rogare, ire jubere, sinere*, etc. The inhabitants of Aritium take oath to pursue by land and sea (*armis bello interuenere*), by a war of extermination, Caligula's enemies, — an interested oath, proving, however, that this people had arms, and would have gone forth to war like the men of Osuna.

³ Thus at Venafrum: . . . *Cum non minus quam duae partes decurionum adfuerint* (*Edict of Augustus*, in Henzen, No. 5,428) at Malaga, under Domitian (capp. lxi. lxiv. etc. Cf. *Digest*, iii. 4, 3, and 4; l. 9, 4; and *Cod. Theod.* xii. 4, 84). [A very large *quorum*, which proves good attendance. — Ed.]

⁴ In Lower Moesia and Numidia the free towns had duumvirs (L. Renier, *Ins. de Trèves*, p. 7), — a new proof of the want of uniformity which is found in so many cases. The inscriptions of Narbonensis contain the following magisterial titles, — *duumviri, quatuorviri, praetores IIviri, praetores IIIviri, IIviri aerarii, IIIviri ab aerario, aediles, quaestores, praefecti vigilum et armorum, triumviri locorum publicorum persequendorum* (Herzog, *op. cit.* pp. 213, 214). An inscription of Vienna (Isère) proves that the municipal magistrates had *scribae, praefices, lictores, viatores, and statores* (L. Renier, *Mém. de l'Acad. des inscr.* vol. xxvii. parts 1. 8). The superior magistracies were called *honores*, and the expression *magistratus* was kept for the duumvirs.

were elected for a year, and were eligible for re-election after an interval which, at Malaga, was five years. The duumvirs convoked the assembly of the people and the curia, over which they presided. Being executive officers of the municipal senate, they administered



TEMPLE CALLED THE MAISON CARRÉE. AT NÎMES.

under its control the city and its territory, which was almost always of considerable extent, for the adjacent hamlets, the *vici* and *castella*, were, for the census, imposts, and jurisdiction, dependent on the city. Thus on Nîmes were dependent twenty-four *oppida*, or large villages,¹ on Genoa five *castella*; the whole of Helvetia,

¹ Pliny, *Hist. nat.* iii. v. The *vici*, or *κῶμαι*, had special administrators, *magistri præfecti* (cf. the *Index* of Henzen, p. 163). They could be raised to the condition of a *civitas* (Waddington, *Voyage de Lebas*, iii. 257), and a city was sometimes reduced to the state of *vicus*. Thus Septimius Severus made Byzantium, which had sided with Niger, a town of the territory of Perinthus (Dion, lxxiv. 14). The *lex Rubria* and the *lex Julia municipalis* mention in Italy three sorts of cities or communities having their own administration and jurisdiction, — *municipia*, *coloniae*, and *praefecturae*; and the *vici*, *castella*, *fora*, and *conciliabula*, territories which were dependent upon them for administration and justice. Certain *vici* were the prop-

which before the war against Caesar reckoned four hundred *civi* and twelve *oppida*, formed under Augustus but one *civitas*, or "city," and the three Gallie provinces had only sixty; so that the division of France into dioceses has long corresponded to the division of Roman Gaul into cities: the bishopric of Tours and Touraine, for example, having the same limits as the *civitas Turonensis*.¹

The duumvirs could contract in the name of the city and, in case of need, appear in court for it by a *syndicus* or *actor*, whom the curia regularly nominated.² Certain acts, as emancipation, adoption, and manumission,³ were to be transacted before them, and they farmed out the public works at auction or by contract.⁴ Like the Roman consuls, they gave guardians to wards and their name to the year; they presided at the electoral comitia and directed the deliberations of the Senate; their toga, like that of Roman magistrates and priests, was edged with a broad band of purple.⁵ Those who were in office at the time of the census, which occurred every five years, took in addition the title of quinquennals, or censors, and drew up the list of the senators, *album decurionum*. Therefore the duumvirs of the fifth year were very carefully selected, and the most conspicuous citizens sought to obtain this office, which was the highest honor in the city.⁶

Besides being administrators of the city, the duumvirs were also its judges. We have seen above the extent of their jurisdiction. Their system of prevention, moreover, was expeditious and

erty of a single person (Cic., *Ad Fam.* xiv. 1). More frequently it was a union of private estates, *fundi* (Desjardins, *Table alimentaire de Veleia*, pp. xliii. *et seq.*). Ordinarily the landed proprietors lived in the city, while their *coloni* established on the land, cultivated it. The *vicani* had, however, their gods, altars, sacrifices (*sacra*), their *comitia*, their own revenues, since they could buy and sell (*C. I. L.* vol. i. No. 603, and Mommsen, *Inscr. Hec.* No. 86), and this gave them the character of a civil person. But all this administration seems to have been usually confined to matters of religious worship.

¹ The communes of France which have the widest extent of territory are in ancient Narbonaise, the most Roman of the Gallie provinces. In the Bouches-du-Rhone they have an area more than three times greater than that which the communes have in an average department: Arles is the largest commune in France, — about 42 square miles.

² . . . *per actorem sive syndicum* (*Digest*, iii. 4, 1, sect. 1, and 6, sect. 1).

³ *Lex Salp.* 28.

⁴ Plutarch, *An virtus*, etc., 3. The Romans did not undertake the direct management of the public works.

⁵ *Lex Salp.* 29, and Livy xxxiv. 7. Cf. Zumpt, *Comm. epigr.* pp. 166 *et seq.*; Kuhn, *Die Städt. Verfass.*, p. 241.

⁶ See, in Apuleius (*Met.* x.), what concerns Thiasus.

simple: for young offenders, the rod and the cell; for others, most frequently fines. These were numerous, because, for a penalty, the municipia preferred to imprisonment, which profited no one, a punishment



MEDAL OF A
DUUMVIR.¹

which was of public advantage, the proceeds of the fines being added to the funds for public games and festivities. The Kabyles, so Roman in their municipal customs, still do the same. Among them misdemeanors and crimes are compounded for, either in money, of which each takes a share, or in oxen and sheep, which the com-

munity consume, without excluding the man fined from the repast made at his expense. Every infraction of the municipal regulations was punished by a fine. The law of Osuna is full of these rules, which existed already in the Julian law and are met with in that of Malaga²: it was one of the characteristics of the municipal law. All the citizens were interested in directing attention to breaches of it,—first, from respect for the law; and then by the profits of the *delatio*, which probably formed a third of the fine.³

The Roman principle of appeal to an authority either equal or superior, or the right of interference permitted to magistrates in respect to the acts of their colleagues, was practised in the municipia.⁴ We have seen that the curia received certain appeals;⁵ others were carried before the governor of the province, who in the end secured them all,⁶ as he had had from the first, in the tributary cities, the decision of civil matters referring to the *imperium* rather than to jurisdiction.⁷ Representative of

¹ C. VIBIO MARSO PROCOS. C. CASSIVS FELIX A IIIVIR (A. C. *Vibius Marsus proconsul, C. Cassius Felix, duumvir*). Bronze of Utica representing Livia veiled. Coin of Utica.

² *Lex Julia municipalis*, capp. i. vi. vii. viii. x; *Lex Malac.* capp. lviii. lxi. lxvii. This custom was extremely Roman. As the cities filled their coffers with the fines, the State filled hers with the confiscations pronounced after criminal prosecutions. In a society like this, organized on the principle of the *census*, to lessen or annihilate a fortune was not only a financial punishment, but a political and social one also.

³ *Senatus-consult. de Aquæ d.* and *lex Manilia Roscia*, ap. Giraud, *Jur. celon.* pp. 167 and 170.

⁴ *Lex Salp.* art. 27, and *Table de Bantia*, sect. 1. A public assembly dissolved by the *intercessio* of a magistrate could not be called together again the same day by the one who had convoked it the first time. Cf. Bréal, *Épique italique*, p. 388; Giraud, *Tables de Salpensa* and *Lex Malac.* pp. 68 et seq.

⁵ For example, at Malaga, respecting finés, art. 66.

⁶ Cf. *Digest*, xlix. 1, 21, pr., and *ibid.* 4, 1, sects. 3 and 4.

⁷ Paulus, in the *Digest*, l. 1, 26. So the restoration to a property, the giving possession of an estate, or a dowry or legacy. Yet the Italian duumvirs had the *missio in bona* (see above,

the Roman people, who had over the provincial soil the right of eminent domain, the governor could of his own will transfer possession, either in his own person at the assizes, which he held annually in different cities of his province (*conventus juridici*), or by judges whom he appointed to decide in his stead. The duumvirs therefore in certain cases formed, in the non-privileged cities, a jurisdiction of the first degree.

Yet, from the multiplicity of their duties, we can understand the prohibition made them of both being at the same time absent from the city. "When one of the duumvirs is absent," says the law of Salpensa, art. 25, "and his colleague wishes to leave the city, be it only for one day, the latter will choose, *ex decurionibus conscriptis*, a deputy, *præfectus*, to whom he must administer the oath." If the Emperor or any member of the imperial family accepted civic office, he must also be represented by a prefect, whose term of office in this case is one year.¹

To make room for merit or favor, the Emperors were accustomed to give to a person the title of *consularis*, *praetorius*, and the like, although he had never been either consul or praetor; and the free towns followed this example. We find at Canusium four *quinquennialicii* who had never held the office of which they had the name.²

After the duumvirs came the aediles for the supervision of the streets and public buildings, of the markets, weights, and measures, of baths and games, in fact, for the maintenance of good order and health in the city. They had also the supervision of the *annona*, i.e., of provisions sold or distributed;³ they drew up edicts on matters belonging to their department, such as cases of flaw or fraud in sales, defects in contracts of sale, the repairs or position of edifices, etc., and in their capacity of administrators they had these edicts carried out; or, as judges, they punished delinquents

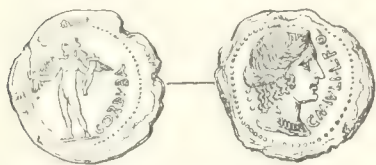
pp. 334 *seq.*) : and this leads to the inquiry whether the magistrates of the Roman colonies and Latin cities did not enjoy the same right.

¹ L. Renier, *Inscr. d'Algérie*, No. 4,070, and the *Index* of Henzen. On the *præfecti* *leg. Petronia*, cf. Marquardt, *Röm. Staatsv.* i. 494.

² Orelli, Nos. 798, 800, 922, 1,170, 1,178, 1,181; Mommsen, *Inscr. Neap.* No. 625. So at Lyons a citizen received the insignia of the duumvirate, although he had been only quaestor (Orelli, No. 4,020).

³ Petronius, *Satyr.* 44.

by fine after having reported to the duumvirs. So, at least, it stands in the law of Malaga. Apuleius cites the case of an aedile



MEDAL OF A MUNICIPAL QUAESTOR.¹

apparitor carried after the aedile.²

The quaestor had no jurisdiction, but important functions, which varied with the customs of each city. He farmed out by auction the public lands,³ without being allowed himself to take them on lease either directly or by a middle man, he reclaimed territory illegally occupied, looked after the maintenance or repairs of public buildings, invested the funds of the city, recovered its debts, made all the contracts which the good management of its affairs required, and kept the registers of the census up to date, entering therein all changes of property. He was the guardian of the public wealth.

The cities, "uncertain persons," had only *bona publica*, such as temples, walls, etc., or that which was regarded as being the common property of all the citizens, like the common lands of our time. The Emperors granted them successively the right of acquiring and possessing with all the rights of a civil person, of receiving trusts and inheritances, of freeing their slaves, and exercising over their freedmen all the rights of a patron. Then they had abundant sources of revenue,—the returns from urban and rural properties, interests of invested capital, legacies, donations, *honoraria* presented by the newly elected, inheritances from the city's freedmen (since the Antonines), the labor of the city slaves, revenue from mines and quarries when they possessed such, rights to tolls on the highways and in the ports, duties at the gates of

¹ Coin of Corduba. CN. IVLI L. F. Q. (*Cnæus Julius, son of Lucius, Quaestor*). Head of Venus. The reverse CORDVBA. Cupid standing, holding a torch and a cornucopia. Bronze coin.

² *Met. i. and Digest, l. 2, 12.*

³ Sometimes the duumvirs kept this duty, as at Salpensa. In certain cities the quaestorship was only a *municipus*, in others a *honos* (*Digest, l. 4, 18, sect. 2*). The inferior officers, *scribae, librarii*, etc., received a stipend, which at Osuna varied from 1,200 to 1,300 sesterces.

the cities which had kept this privilege, levies for the maintenance of highways, sewers, aqueducts from the owners of adjacent property, etc. To these sources of income were added sums voluntarily expended by citizens who had accepted the oversight of a municipal service. In modern times a man is at liberty to decline public office, and salaries are paid to those accepting them; in the Roman Empire, public service was obligatory, and imposed expenditure: it was a civic obligation, *munus*.¹ Thus the administration cost little or nothing. The large expenditures were for public works. An imperial rescript appropriated a third of the revenue for these;



GENII OF GAMES.²

but this rescript is of the year 395, — that is to say, at a time when the Emperor interfered in all civic matters.³ Indemnities to physicians, professors, citizens sent on deputations to the Emperor, games, and, in many cities, relief to the needy and to poor children, took the remainder. When the municipal income was insufficient for the expense of obligatory duties and public works, a rate was imposed on the citizens and foreign residents (*incolae*), after the consent of the governor of the province had been procured in the

¹ In the *Digest* (l. 16, 239, sect. 3), the *munus* is defined *publicum officium privati hominis*. The *munera* were divided into *mun. personarum*, or obligations imposed on the person which required labor or intelligence, and *mun. patrimonii*, or obligations which entailed expenditure (*Ibid.* title iv. 1, sect. 3, and 18, sect. 1). If the citizen were absent, his estate was levied upon for the fulfilment of the *munera personalia* (*Bull. de l'Acad. des inscr.* 1877, p. 128). The enumeration of the *indultiones*, which the landed proprietors supported, will be found in Kuhn, i. 40-69. These *munera*, voluntarily held, notably reduced the expenses of the city; but they were already in the middle of the second century an onerous charge . . . *munera decurionatus* . . . *onerosa* (decree of Tergeste): they became an intolerable burden when the progressive impoverishment of the Empire and the abandonment by Christians of municipal functions forced a ruinous compulsion to take the place of an interested devotion. At sixty the obligation of holding *munera* ceased: *leges quae majorem annis LX otio reddunt* (Pliny, *Epist.* iv. 23). The *Digest* and *Code* give different ages. A rescript of Diocletian (*Code Just.* s. 49, 3) put an end at fifty-five to the obligation of *munera personalia*.

² Bas-relief in the Museum of the Louvre.

³ *Code*. VIII. ii. and XI. 69, 3.

case of tributary cities.¹ In the others the rate was arranged in conformity with the registers of the census fixed by the quinquennals. Thus a considerable portion of the Empire had the free control of its finances,² as it had its free elections and its own jurisdiction, its own divinities, and its special forms of worship.

At the Antonine epoch there is observable in the financial administration of the municipia a change of which the results were very important. The irresistible tendency of municipal administrations which a superior power does not check is to burden the future for the profit of the present. The correspondence between Pliny and Trajan proves that many cities were at that time involved in debt as the result of ill-considered works or scandalous waste. The government was therefore led, in the interest of its subjects themselves, to exercise some control over their affairs.³ Trajan gave a curator to Bergamum,⁴ Hadrian to Como. Marcus Aurelius to a number of cities, — doubtless at their request and with the sole desire of restoring order to their finances; thus Apameia had begged Pliny to examine its estimates. The curator, an important personage of senatorial or equestrian rank, received from the Emperor, for a time not specified, the duty of verifying the accounts and of arranging the expenditure of a city. Far from being then an encroachment upon municipal liberty, this intervention of the superior authority was a service rendered to embarrassed communities,⁵ as the Emperor rendered them another when he sent to the province a commissioner extraordinary to terminate

¹ The Emperors did not like to have the cities increase the municipal rates. See next page, note 4.

² Apameia was a Roman colony; when Pliny wished to examine its accounts, the inhabitants declared that no proconsul had ever done so. . . . *Habuisse privilegium et vetustissimum morem, arbitrio suorum publicam administrari* (Pliny, *Epist.* x. 56).

³ Pliny, *Epist.* x. 29: . . . *Rationes . . . esse vezatus . . . satis constat.* (Cf. *ibid.* 46 and 48.)

⁴ The institution of these curators has been traced to its origin in Nerva's reign, according to a decree of that Emperor inserted in the *Digest* (xliii. 24, 3, sect. 4); but the officer to whom this rescript refers is the *cur. loc. public. persequendorum*, who existed at all times at Rome and such as several free cities already had. Cf. Or-Henzen, in vol. iii. p. 109, of the *Index*, a very long enumeration of *curatores rei publicae*; L. Renier, *Mél. d'épigr.* p. 43; and the dissertation of Henzen in the *Annali* of 1851, pp. 5-35.

⁵ See, in Plutarch (*Praec. Pol.* 19), how the continual recourse of the cities to the sovereign authority compelled the Emperor to become more a master than he wished . . . ἀναγκάζονσι μᾶλλον ἢ βούλοινται δεσπότης εἶναι τοὺς ἡγεμόνους. It is still in France a national whim; and this whim had grave consequences for the Roman Empire, as it has had for us.

disputes respecting boundaries, to appease quarrels, to introduce order among men and affairs even in free cities.¹ The *consulares* of Hadrian, the *juridici* of Marcus Aurelius, as judges will be more just than certain municipal magistrates; the *irenarcha* appointed by the governor² will greatly assist in the preservation of public order; imperial coins of better standard will replace the civic coinage, to the great advantage of trade: lastly, the governors will interpose to prevent the cities from drying up the source of their prosperity by the imposition of excessive imposts³ and useless works,⁴ or ruining their wealthy citizens by repeated elections to onerous offices.⁵

Yet there are services dangerous in the acceptance. The temporary curator of Trajan will become the permanent director, in the Emperor's name and for his profit, of the municipal finances; the provincial governors, who, following the example of the *juridici*, will watch closely over the good order of the cities, will check their vitality; recourse⁶ and appeal to the Roman magistrate will multiply; and by the development of extraordinary procedure we shall reach the suppression of the *judex*, so that in Diocletian's time, the jurisdiction of the duumvirs being reduced by all these causes to the most insignificant proportions, the city will become nothing more than a taxable district. At last the provincial coinage will, with good reason, fall into disuse: but with it will disappear the last sign of ancient liberty.⁷ Then it will be found that these imperial legates who so successfully put an end to municipal rival-

¹ This was an old practice of the Roman Senate. Cf. Or.-Henzen, No. 6,450.

² He selected him from ten candidates proposed by the decurions (Aristides, i. 523, edit. Dindorf).

³ Rescript of Septimius Severus: . . . *Non temere permittenda est nov. vectig. exactio* (Cod. iv. 62, 1).

⁴ The Emperors at last kept in their own hands the right of authorizing public works (Ulpian, in the *Digest*, i. 16, 7, sect. 1; Modestinus and Macer, in the *Digest*, i. 10, 3, sect. 1, and fr. 6. Cf. *Cod. Theod.* xv. 1, 37, anno 398; and doubtless they assumed it very early in the case of the tributary cities. This tendency was already showing itself under Trajan (Pliny, *Epist.* x. *passim*).

⁵ *Digest*, l. 4, 3, sect. 15. This intervention, called forth by abuses, will end by putting the nomination of magistrates in the governor's hands.

⁶ At the end of the third century the distinction between *jus* and *judicium* will be suppressed. The governor, instead of establishing a *judicium* and appointing a *judex*, will himself hear the case to the end and pronounce the sentence. Cf. Bethmann-Hollweg, iii. 104.

⁷ Under Antoninus or Marcus Aurelius a governor caused the silver coin of a city to be demonetized because it contained too much copper, *quasi aërosa* (*Digest*, xlv. 3, 102, *proven.*).

ries have also put an end to the rights which produced them. Augustus had, at Rome, "pacified eloquence;" soon the Emperors will have "pacified," to the remotest provinces, the most unpretending liberties,—a fatal usurpation, which public necessities far more than greed for power at first imposed, and to which the whole Empire was accessory: the cities, by allowing abuses to increase in their midst; the Emperors, by yielding to the temptation to think and act for all, in the interests of the general weal. It was often at the request of those interested that the government interfered, and it was by means of the best Emperors, the Antonines, that the movement towards centralization began. It would have been quite different if the provincial assembly, placed between the city and the Emperor, had been able, by an active control, to prevent the difficulties of the former and as a consequence the encroachments of the latter.

The municipal public service was completed by the religious service under the supervision of three pontiffs and three augurs. At least that is the number at Genetiva, and was most likely the same in many cities, for the body of Augustals had likewise six chiefs, the *seviri*. The importance of these sacerdotal functions is proved by the rank which the album of Thamugas gives the *sacerdotes*, and the laws of the Theodosian Code, which place them after the duumvirs in office, but before the other magistrates. The office of flamen was elective, and gave the individual an indelible character, or at least gave him a title which he kept for life, *flamen perpetuus*. Lastly, in order to be represented in court, the city appointed a *procurator*, or *syndicus*, to whom it confided the defence of its interests.

If the Roman city, which has handed down to us so many regulations and institutions, had in the first two centuries of our era much more liberty than the French commune of to-day, it differs from it, however, by its far less democratic spirit and by the rigorous responsibility which it imposed on its magistrates.

When the Romans founded a colony they reserved a part of the lands assigned to the colonists to form an *ager publicus* for

Hadrian suppressed the tetradrachms of Antioch, which were of too base a standard. In the middle of the third century the provincial mints had all been closed, except in Egypt (Mommсен, *Hist. de la Monn. rom.*).

the new city; for it was a settled principle that a city should possess a landed estate. All the municipia had therefore common lands (*prædial*), which were directly utilized by the citizens as public pasturage, or of which the revenue was added to the income from various sources which constituted the civic funds and were protected by the severest provisions of the law.

Before entrance on office the magistrates had to give security and furnish bondsmen to guarantee the city against the results of negligence or fraud.¹ They were responsible for rents during the whole period of the leases which they had made, and for a period of fifteen years in case of faults of construction in public works which they had directed;² their accounts, though verified and audited, might be invalidated until the twentieth year.³ It was at their own risk and peril that they placed the public funds or that they neglected to claim a legacy or exact the payment of a debt. There was still another obligation,—the magistrate held responsible for the consequences of his own acts was likewise responsible for those of his predecessor if he had approved them, and of his successor if he had recommended the latter for election. Finally, in any prosecutions against him were involved not only his actual bondsmen, but those who might be considered as tacitly responsible for him; that is to say, his colleagues, the predecessor who had recommended his election, and even his father if the son had not been emancipated before taking office. All profit made by him in the exercise of his functions entailed a penalty of two hundred thousand sesterces: one of ten thousand was exacted for each infraction of a decree of the decurions, and at Osuna one of one hundred thousand for the violation of the municipal statutes.⁴ Observe that the accounts are to be presented to the city, and not to the governor; it was to the city, and not to the Emperor, that the responsibilities are made good. The Romans had not, as the

¹ *Lex Malac.* 69, and *Digest*, l. 1, 38, sect. 6; *ibid.* 8, 9, sect. 4, and sect. 7.

² Such, at least, is the command in a rescript of the year 385; they shared this responsibility with the contractor, who, instead of furnishing security, as with us, also was required to present bondsmen. (See in the *Recueil des inscriptions de l'Acad. des inscrip.* July, 1855, a curious inscription of Cyzicus.) The heirs of a magistrate also inherited his obligations (*Cod.* viii. 12, 8). The extreme burden of responsibility laid upon these officials seems to be comparatively of late date. The code of Malaga is much less severe.

³ *Digest*, xlv. 3, 13, sect. 1.

⁴ Capp. lxxvii. cxxix. cxxx.; see also *Table of Bantia*, sect. 2.

French have, constituted a special court for the public functionary. This is a further proof of the power of municipal life at the time.¹

To the responsibilities of the administrator were added those of judge. Had the judge given force to a rule contrary to the established law, this rule was henceforth applied to him in all the suits which he himself had to sustain; did he neglect what the *formula* had prescribed, he owed reparation for the damage caused by his decision.²

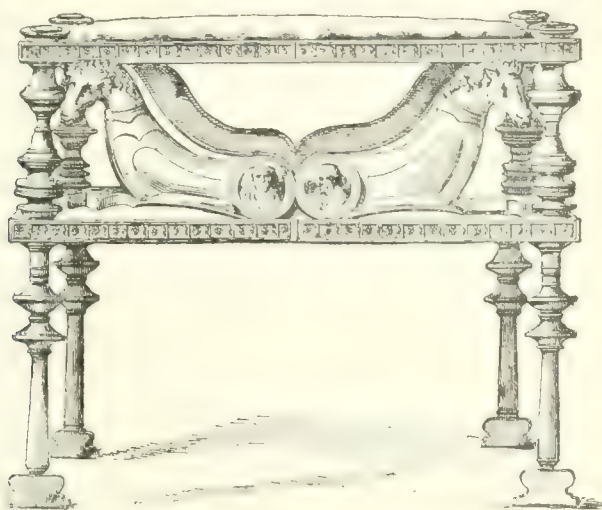
How numerous the precautions to protect the property of the city, the municipal law, and the rights of the citizens, even though the most respected officials of the town should be ruined by penalties! But also how careful in their action must have been magistrates held so strictly responsible, how slow in their deliberations, how prudent in their projects, how vigilant in the execution of them, what admirable managers of the public funds concerning which they must give so severe account! On the one hand, great freedom of action: on the other, a responsibility equal to the power intrusted. This is how men are made; with principles like these the municipal system must flourish so long as they are respected. To this system, much more than to the Emperors, the Roman world owed those countless buildings whose grandeur and stability astonish us. It is these municipal administrations which, frequently uniting their efforts and resources, built amphitheatres and temples, threw bridges over rivers, aqueducts across valleys, and roads from one end to the other of their province.³

¹ The Antonines still further increased the number and extent of these responsibilities. Thus Trajan gave to a ward the right of bringing an action for indemnity against the magistrate who, in the absence of a legal or testamentary guardian, had made a bad selection of the man to whom he had assigned the guardianship (*Code*, v. 75, 5); and Hadrian fined a duumvir forty *aurei* who allowed a corpse to be interred in the city (*Digest*, xlvii. 12, 3, sect. 5; cf. Capitolinus, *Marc. Ant.* 13). M. Pierre Dareste (*Des Contrats passés par l'État en droit romain*, p. 102) well says: "The principal or subsidiary responsibility of the functionary, . . . which took the form of a responsibility stipulated by contract of civil law, is an idea quite peculiar to the Roman Empire. We are at the present time accustomed to see in the functionary an almost irresponsible mandatory. . . . In the Roman Empire he was the first to feel the consequences of his own acts. . . . One cannot deny that there was a very just idea at the basis of this system. Despotism exaggerated in the interest of its own finances a system which offered great advantages for the collection of revenues . . .; but the abuse should not prevent us from comprehending and appreciating the ingenious and just practice of previous centuries."

² Keller, edit. Capmas, sect. 86. This rule had existed elsewhere at all times, even for the Roman praetor.

³ In Pliny's correspondence (lib. x.) we observe in a single province and in less than two

Citizens cannot be found in our time exposing themselves to like dangers merely for a simple civic distinction. By reducing the communes to infinitesimal proportions in comparison with cities containing the population of a kingdom, and by keeping them all under strict state guardianship, our great modern communities have destroyed local patriotism. In the municipium of the Flavians and



BISELLIUM IN BRONZE, FOUND IN THE THEATRE OF HERCULANEUM.¹

the Antonines it preserved all its ancient energy. Each man loved his city and desired it to be prosperous and beautiful, and many thought, like Caesar, that it was worth more to be first at one's own home than second elsewhere. Thus the offices which a century later will be avoided with alarm were at the period we are now considering sought for eagerly. It is regret at leaving them which most afflicts the exile of whom Plutarch speaks. "Alas!"

years the following works projected or in course of completion, — at Prusa, magnificent baths; at Nicomedeia, a forum and an aqueduct, for which the city had already expended 30,529,000 sesterces; at Nicæa, a theatre which before completion had cost 10,000,000 sesterces, and a gymnasium so vast that the walls were 23 feet thick; at Claudiopolis, baths of colossal size; at Sinope, an aqueduct over fourteen miles long; at Amastris, the covering in of a streamlet which ran through the city, etc. As regards roads, there were three kinds, — *publicæ*, *publicæ*, *publicæ* (Digest, xliii. 8, 2, sect. 22); these are the French national, departmental, and communal routes. The first only were made at the public expense, *publice mununtur* (Siculus Flaccus, *De Agr. cond.* p. 27, edit. Giraud). Yet they had to be maintained by the owners of adjacent property (*Digest*, viii. 6, 14, sect. 1).

¹ This seat of honor (from the Museum of Naples), enriched with carving, is very high on its legs. A marble stool was used to mount up to it (Monaco, *Le Muséum nat. de Naples*, pl. 119).

he exclaims, "I no longer command as magistrate, I no longer give counsel as senator, I no longer bestow prizes at contests," etc.: and he might have added: "I no longer traverse the city clad in the *prætexta*, which from a distance attracts men's eyes, and preceded by lictors who cause the crowd to give way before me." These men were vain, doubtless; but how many services vanity has done the world!

This seeking after municipal honors was such that the cities enriched themselves with their titles of decurion and with all the decorations which they could bestow (among them being the *bisellatus honos*),¹ and even with the citizenship, as our kings do with their titles of nobility or offices; and they found persons ready to buy for one or two thousand denarii the honor of a seat in the curia,² for five hundred drachmae the right of voting in the public assembly.³ Others, aspiring higher, thought that the duumvirate, in bringing them to the Emperor's notice, would help them to attain the honors of Rome and offices under the imperial government. In this respect municipal offices were the necessary step for ambitious men in the provinces, since experience in city affairs prepared them for state offices; and since many provincials had the right of Roman citizenship, no obstacle arising from their condition barred the way of those whom favorable circumstances placed on the road to the highest offices of the Empire, so long as these offices were open to the most able men.

¹ The *bisellarii* had obtained or purchased the right of having conveyed by their slaves to the games, theatre, or festivals, a double seat (*bisellium*), which they occupied alone, so as to give them more room (Orelli, Nos. 4,043, 4,044. Cf. Millin, *Descr. des tombeaux de Pompéi*, p. 78).

² Pliny, *Epist.* x. 113 and 48, and many inscriptions. Cf. Léon Renier, *Arch. des Missions*, ii. 319.

³ For example, at Tarsus (Dion Chrysostom, *Orat.* ii. 44, edit. Reiske), and elsewhere. Women were accustomed to buy this right . . . *civis recepta* (*C. I. L.* ii. 813; Orelli, Nos. 1,663, 3,710). A tribune says to Paul (*Acts*, xxii. 28): "With a great sum obtained I this freedom." Augustus had interdicted the Athenians from selling the right of citizenship (Dion, liv. 7).

III. — ARISTOCRATIC CHARACTER OF THE ROMAN CITY: MUTUAL RELATIONS OF THE CITIZENS.

JUSTINIAN well understood these ancient institutions when he wrote in one of his *Novellæ*: "Those who in the past constituted our republic judged it needful to unite in every city the notables (*virī nobiles*) into a body which should transact public affairs and do all in an orderly manner." This aristocratic organization, which dates from Rome's earliest days, was in the provincial cities strengthened by various customs. — the gratuitous character of the public service, the onerous burdens imposed by it, and the terrible responsibilities which were incurred in the exercise of the magisterial office. Municipal interests, which in France are guaranteed by administrative control, were in the Roman Empire guaranteed by the financial responsibility of the magistrates, which would have been illusory if poor men could have attained the duumvirate. The municipal senate was therefore open only to *virī nobiles*, — a nobility of birth and wealth which sat by hereditary right in the senate so long as it kept its fortune, or at least the fortune required for the duumvirate. At Prusa, Dion, his father and grandfather, exercised in succession the highest functions:¹ with four hundred thousand sesterces they would have had the right to claim to be enrolled in Rome itself among the judges of the five *decuriæ*.² Lastly, as this society had for its principal civil institutions slavery and clientship, it did not profess equality, but preferred distinction of ranks. Thus, for inscription on the senatorial list, a real hierarchy was established: at its head the *honorati* who had held office in the city and the province,³ or had enjoyed Roman honors, and the patrons of the city;⁴ then those who had

¹ De Bréquigny, *Vie de Dion*.

² Or-Henzen, No. 6,497.

³ The persons who had held the provincial priesthood in the temples of Rome and Augustus (*sacerdotes*) formed a separate order, often mentioned in Africa (L. Renier, *Ins. P. Alg.* Nos. 1,149, 1,528, 1,718, 1,851). Similarly, the *Asiarches* in Asia.

⁴ In 321 the practice was still continued for the cities to obtain a powerful patron: *q[uod] Faustianenses patronum cooptarent, cum liberis posterisque ejus sibi liberis posterisque tesseram hospitalem cum eo fecerunt, ut se in fidei atque clementiæ ejus sibi et posteris suis suorum reciperet . . .* (Orelli, No. 1,079).

held municipal offices.¹ Age, marriage, number of children, the number of votes obtained, were causes of promotion; the lot decided all else. An inscription has preserved the names written on the *Album* of Camusium, drawn up in 223; with this document we enter the senate-house and can observe the session of a municipal senate, as the laws of Salpensa and Malaga have enabled us to be present in the public place at the elective comitia. More than a hundred and twenty decurions are there assembled.² First notice in the place of honor the seats of the patrons,—personages of too great importance to condescend to be often present. Next the ex-magistrates, bearing a title derived from the name of the highest office which they have filled,—seven *quinquennialicii* and their four coadjutors having held the censorship,³ twenty-nine *duumviralicii*, nineteen *aedilicii*, nine *quaestoricii*, then thirty-two *pedarii*, or decurions who have not yet held office. Behind them, twenty-five *praetextati* listen to the orators; they are becoming acquainted with the concerns of the city, the rules of law, and the method of conducting public affairs.⁴ The deliberations are not noisy, for age and condition are respected; each speaks and votes according to his rank and according to the order of inscription on the table. Thus experience has the precedence of ignorance, and wisdom of rashness.

This order was changed in one case only. If one decurion accused another of unworthy conduct and obtained judgment against him, he took the latter's place.⁵ This was a means of compelling every member of the curia to keep watch over himself.

¹ *Scribantur eo ordine quo quisque eorum maximo honore in municipio functus est: puta qui duumviratum gesserunt, si hic honor praeceat* (Ulpian, in the *Digest*, l. 3, fr. 1 and 2).

² On the list are found a hundred and sixty-four names; but the thirty-nine patrons, persons of consideration (thirty-one senators, eight Roman knights), were almost always absent, and twenty-five *praetextati* did not vote: so that the number of effective decurions was one hundred. But all bore this title. See Mommsen, *Inscr. Neapol.* 625. M. Masqueray has discovered (December, 1875) another *Album*,—that of Thamugas.

³ *Alfati inter quinquennialicios.*

⁴ According to the *Theodosian Code* (xii. 1, 4) those who had exercised magistracies were seated, the rest standing. This classification still existed in the second half of the fifth century. Cf. Sid. Apollin., *Epist.* i. 6. M. Heuzey has found in Macedonia some inscriptions which mention children of five and six years already members of the curia (*Mission en Macédoine*, p. 140); the same at Lyons (*Inscr. de Lyon*), and elsewhere. These nominations had been marks of gratitude towards the father, or an interested choice in the hope of obtaining a liberal gift from the family.

⁵ At least this was the law at Genetiva Julia, cap. cxxiv.

These distinctions were valued so highly that they are recorded upon tombs, where we read the offices held and the grades of rank obtained. When the practice of paying a salary became general, its amount was also mentioned in the inscriptions, to do honor to the deceased. A future Empress, Julia Soemias, in this way recalls the fact that her husband had been successively centenary, ducenary, and trecenary procurator; *i. e.*, that he had received yearly 100,000, 200,000, and 300,000 sesterces.¹ When a man could not claim distinction from the crowd by birth or wealth, he valued himself according to the sum of money which he had cost the state. This order was observed at the public festivals and even in the gratuitous distributions; each received a share of provisions and a number of ases² proportional to his rank. Some magistrates boast of being men of a share and a half, or even a double share.³ It was like the "fat and lean people" of Florence.



DENARIUS OF DISTRIBUTION.⁴

A society where wealth was so highly esteemed must find room for any man who knew how to acquire it, even for those whose condition destined them to remain at the lowest level. The expression *libertine opes*⁵ had passed into a proverb, and Narcissus, Pallas, Crispinus, and a thousand others had justified it. It is easy to understand how these fortunes were made. Having formerly been slaves, the freedmen had the habit of work among a people who labored but little, and they were not shackled by any prejudices in the midst of a people who had many. On obtaining freedom, sometimes by their vices, but frequently by their intelligence, they knew how to make their way through the crowd, as they had done through servitude. By the stain on their birth they were below the poorest of free-

¹ Orelli, No. 946.

² At Rudiae a money distribution gave twenty sesterces to each decurion, twelve to each Augustal, etc. (Orelli, No. 3,858); at Lyons, a *summus curator civ. rom. prov. Lugd.* gives, *ob honorem perpetui pontifici*, to the decurions, fifteen denarii: the members of equestrian rank, to the *seviri Augustales*, and to the wine-merchants, thirteen denarii; to all the authorized corporations, *licite coëntibus*, twelve denarii. Orelli, No. 4,020, and *passim*, for many similar instances.

³ Or.-Henzen, Nos. 6,086, 7,181, 7,199 . . . *Ob duplam sportulam collatam sibi . . . et magistri sesquiplares*. This usage existed in the army under the name of recompense of honor . . . *ob virtutem* (Varro, *De Ling. Lat.* v. 90).

⁴ EX A. P. (*ex argento publico*). Victory in a quadriga. Reverse of a denarius of the gens Julia.

⁵ Martial, *Epigr.* v. 1, 3.

born men; by the means of gold they rose above the noble who had nothing to live on but the glory of his ancestors. Tacitus shows them to us filling even at Rome the tribes and decuriae. In the Latin provinces they had invaded the popular sacerdotal office of the Augustals, whose annual heads, the *seviri*,¹ chosen by the decurions, became, on the expiration of their office, life-members of a college forming a sort of intermediate order between the senate and the mere *possessores*;² at Lyons the *seviri* were as much honored as the knights of the city.³ Into this college entered many freedmen who, unable, in spite of their wealth, to obtain municipal honors, took refuge in the priestly office:⁴ Trimalchio was a *sevir Augustalis*. This too was a rank which was purchasable.⁵ Some men boast in their inscriptions of having obtained it without cost (*gratis factus*);⁶ and they were right, this exemption was in their case a brilliant distinction.

The first Augustals sacrificed in honor of the *gens Julia*; then Claudiales, Flaviales, etc., formed colleges, sometimes distinct, sometimes united to that of the Augustals; and all, priests of the national deities, but also of the Augusti and of the imperial majesty, consecrated by religious rites the apotheosis which the Senate had decreed. For this institution, as well as for many others, we must give up the hope of finding a uniform rule, which was habitual neither in the general administration nor the affairs

¹ A *sevir* states in his inscription that he has held the office twice (Orelli, No. 3,921). The *seviri Augustales* of the provinces must not be confounded with the *sodales Augustales* of Rome, — a college instituted by Tiberius and composed of the greatest personages of the state, — nor with the associations which were formed, *in munera collegiorum* (Tac., *Ann.* i. 73), in the capital to honor the new deity.

² By reason of their religious functions the Augustals were ranked so near the decurions that politeness might sometimes confuse them. Thus in 140 a freedman of Domitia offers ten thousand sesterces *ordini decurionum et seviri Augustalium*, and obtains *ut ex reditu ejus pecuniae, III idus febr. natale D., praesentibus decurionibus et seviris discumbentibus in publico aequis pactandis foret divisio* . . . (Orelli, Nos. 775, 3,939, and *passim*).

³ Orelli, No. 1,020. At Narbo the priesthood of Augustus, established A. D. 11, was composed of three knights and three freedmen. A shipowner of Puteoli was *sevir Augustalis* in this city and at Lyons (*Inscr. de Lyon*, No. 358; cf. *ibid.* No. 406).

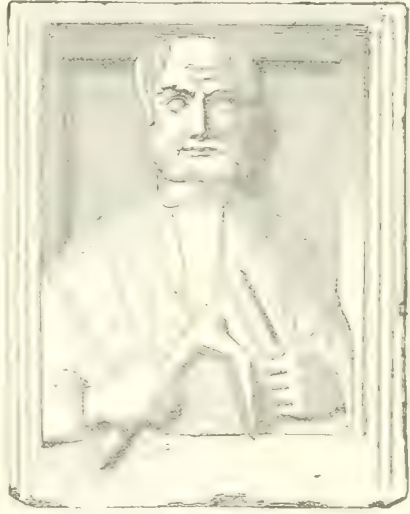
⁴ Orelli, No. 3,914: . . . *Omnibus honoribus quos libertini gerere potuerunt honoratus*. This and other inscriptions show that the *sevir Augustalis*, the *primus* and *perpetuus*, owed this title to a decree of the decurions, and that they themselves could not obtain the decurionate.

⁵ *C. I. L.* ii. 100. It at last, like the others also, became hereditary. Cf. Marquardt, *Handb.* i. 516.

⁶ Orelli, No. 3,920. The corporation had a chest (*arca*) to receive the gifts of the new associates or of its members (*ibid.* Nos. 3,913, 7,116, and 7,335); but it seems that an authorization was needed.

of the cities. The fact itself is clear of doubt, and that alone is of importance to political history.

A more significant custom was the division of the citizens into two classes: I do not speak of the division into free men and slaves, but into *honestiores* and *humiliores*; or, as they were termed in the Middle Ages, nobles and villains. Thus the former could not be beaten with rods,¹ crucified, fastened to the stake, or thrown to the beasts, these atrocious punishments being in case of condemnation the ordinary lot of the poor man who had been unable to rise from his humble condition. In former times the *lex Porcia* protected the citizen, whatever his condition, from the rod and other punishments reserved for the foreigner. When citizenship had been

CAMESTER.²

given to the greater part of the inhabitants of the Empire, and the *peregrinus* was disappearing, the poor citizen took his place: a slow revolution, which was not effected till the third century. Then the higher classes and the lower, placed by political and penal law in different conditions, formed two distinct peoples, between whom it is difficult to draw the boundary line; for in this society, land and man had not been marked, as they were later, with indelible marks.



A MASON.

This much is sure. — at one extreme we may place the decurions, the magistrates, and those who, having obtained civic honors, formed the senate; and at the other, along with those who had undergone judicial sentences, the *coloni*, ancestors of the serfs of the Middle Ages. — the artisans, day-laborers, small tradesmen, whom

¹ *Fustibus caedi solent tenuiores homines, honestiores vero . . . non subjiciuntur.* See on this point the author's paper in the appendix on the *honestiores* and the *humiliores*.

² From a Gallo-Roman tomb.

³ From Trajan's Column.

Cicero had already styled the dregs of the cities,¹ and all those whose calling was regarded as ignominious; these were called the *plebii* or *tendiores*. In the upper class there were also placed the members of the corporation of the Augustals, the *possessores*, or landed proprietors. — who will in later times be summoned in certain matters to deliberate with the decurions. — veterans who had obtained the *honesta missio*, professors and physicians.²

These *tendiores* were very numerous. The state employed many of them, along with freedmen and slaves, for the service of the temples, of the magistrates, and in public works. Poverty tending to equalize both conditions and feelings, some free-born persons competed with slaves in the lowest occupations for a living. They multiplied the number of shops in the streets and public places, and they exercised in wretched cellars a thousand industrial occupations which the rich in former days imposed on their slaves. — in the house, for domestic needs, and out of doors hiring out their strength, their intelligence, or selling the products of their toil. There had always been artisans at Rome: there were many more when the showy tunic of the slave put to shame the citizen's thread-bare toga. To the latter no calling now seemed degrading, neither to go upon the boards as an actor, to enter the arena as a gladiator or the brothel as a procurer, nor to live by the often insulting charity given to the parasite and client.

To recapitulate: when, putting aside political history, which often shows only the surface of things, we penetrate into the inner life of the Roman world, we find a society in which the grades were as numerous as ever they have been in any. At the bottom, the slaves and plebeians (*humiliores*); above, the free man possessing landed property (*possessor*); then a twofold aristocracy of rank and wealth. The first, beginning with the provincial who had obtained Roman citizenship, ended with the consuls and the patrician order, which the Emperors continually renewed, just as the kings of England take care to keep up the numbers of the nobility by filling up titles that lapse. The second was arranged according to the fortune. One hundred thousand sesterces, in important

¹ *Opifices et tabernarios, atque illam omnem fucem civitatum* (*Pro Flacco*, etc.).

² The professors were nominated by the curia, and physicians received from it a license to practise, which was always revocable (*Modestinus*, in the *Digest*, xxvii. 1, 6, sect. 6).

cities, qualified for the decurionate: two hundred thousand classed a man, at Rome, among the ducenaries: four hundred thousand throughout the Empire raised to the rank of knight: twelve hundred thousand gave access to the Senate. Thus a nobility of wealth existed at the side of the nobility of birth, and the two conservative forces which descent and wealth constitute concurred in maintaining at the same time order and movement in this great community wherein, nevertheless, existed no impassable barrier for any one. Here is the secret of that "Roman Peace" which the writers of the first two centuries praise so enthusiastically.

This division of the citizens into two classes might have been the cause of troubles in the city if sundry customs had not drawn together those whom political and penal laws separated. These customs were due to two causes. The first of these was the organization of the Roman family, in which servants, slaves, and freed persons were considered as forming part of the household: so that the obligations of patronage imposed on the rich the position of protectors to a large number of poor. The second was the confused yet deeply rooted notion of a sort of fraternity existing from the first among all the inhabitants of the municipium, and of the protection which in former days the weak had sought for at the hands of the strong. This idea, which had its expression in clientship and in the old institution of public services or *munera*, prevented the aristocracy of the provincial cities from being as haughty and unpopular as aristocracies have been in other countries. The *munera* were the duty accepted by rich citizens of superintending a large number of public services and of contributing to the expenditure which they entailed: thus a *caractar ludorum* made up the deficiency in the sum set apart by the city for the celebration of a religious festival or of public games: another took the charge of heating the baths or repairing the pavement of a street. At the present day municipal expenditure falls upon everybody: in the Roman city it was for the most part a charge on the rich. They it was who built the bridges still existing at Merida and Alcantara, the aqueducts of Segovia and the Pont du Gard, and those temples and amphitheatres the ruins of which meet us everywhere. In seeing the aristocracy pay for its privileges by sacrifice of time and money from which they themselves

profited, the poor felt neither hate nor anger towards them. As clients, they experienced still more directly the effects of aristocratic liberality; and as this bond which attached the small to the great was voluntary, it wounded no one. We said just now that the wealthy provincials followed the example of the Emperors, who covered Rome with costly edifices. Good rulers advised the wealthy to act thus. A discourse of Nerva, which has not been preserved, exhorts them to show munificence;¹ and to prevent cities being deceived in their expectations, as the legacy-hunters often were, Trajan established the principle that every promise made to a city should be binding on the promiser or his heir. The Emperor would not permit municipal patriotism to be trifled with, or a miser's vanity to take advantage of a senate's credulity.²

At Herculaneum, Mammianus Rufus had constructed the theatre at his own cost: Nonius Balbus, the basilica. We know the prodigious liberality of Atticus Herodes at Athens. For his stadium he had ransacked the marble quarries of Pentelicus, and the list of his debtors included almost the whole city. His biography affords us another insight: it shows that some of the new nobility did not disclaim, in spite of the decree of Marcus Aurelius, to live in their provincial cities. Although Herodes was senator and of consular rank, he scarcely ever left Athens; Plutarch also, after a long stay at Rome, returned to his little city of Chaeroneia; Martial did the same, with less philosophy; and the provinces gained in thus winning back some of the celebrities of Rome.

When the municipal treasury was empty and the donations insufficient, the city opened a public subscription and gave to the praetors a mortgage on its walls, porticos, and temples, or on a branch of its revenues. Cnidus, wishing to erect a portico to Apollo, proceeds thus: she promises to carve on the monument the names of those who will not demand the interest of their

¹ Pliny, *Epist.* x. 24: . . . *Omnes viros ad munificentiam.*

² On the capability of the cities for receiving legacies and donations, see Vol. V. p. 280. In spite of Hadrian's rescript, difficulties arose sometimes between the donor's heirs and the city as legatee; Antoninus overcame them by prescribing that for the future the action of the decurions should be regarded as binding the legal personality which the city constituted (Gaius, *Comm.*, ii. 195). Before this new legislation the cities had already been able, with the authorization of the Senate or the Emperor, to accept a legacy. Cf. Suet., *Tib.* 31. Ulpian enumerates (in the *Digest*, xxxvii. 1, 3, 4) the bodies which could possess property, — *municipia, societates, decuriae corpora.*

money; to others she offers as guaranty of repayment the impost of the fiftieth and the profits of the office for oaths, where were registered the contracts of sale between private individuals.¹

We are disposed to dwell on this aspect of civic manners which unhappily is now so strange to us. Ummidia Quadratilla builds at Casinum an amphitheatre and a temple:² Secundus, at Bordeaux, an aqueduct which costs him 2,000,000 sesterces.³ One of Lucian's heroes, Peregrinus, gives up during his lifetime all his property, thirty talents, to his native city. Crinas, of Marseilles, expends 10,000,000 sesterces in rebuilding the walls of the Phocaean city; the two brothers Stertinius, a larger sum in decorating Naples, their native city, with public buildings;⁴ one Hiero gave as much as 2,000 talents (over \$2,000,000) to Laodicea, his native city.⁵ The younger Pliny spent less at Como. — 11,100,000 sesterces. How greatly he was interested in embellishing it with monuments, honoring it with useful institutions, and making it a prosperous and famous city! "Towards it," said he, "I have the heart of a son or of a father."⁶ "One ought to give to one's native place," he says again;⁷ and he encourages his friends and neighbors to imitate his bounty. He founded at Como a library, a school, and a charitable institution for poor children. Outside the walls he built a temple to Ceres, and spacious porticos to shelter the trades-folk who came to the fair which was held during the festival of the goddess. One of his friends made a present of 400,000 sesterces; his grandfather had erected a costly portico and furnished the money necessary for the decoration of the city gates.

¹ *Bulletin de corresp. hellén.*, 1880, p. 341. M. Dareste, author of the commentary on this inscription, makes the remark that by Greek and Roman law mortgage applied both to movables and immovables.

² Orelli, No. 781.

³ *Revue épigr. du Midi de la France*, p. 179.

⁴ Pliny, *Hist. nat.* xxix. 8. One of them was that physician Stertinius who, after having doubled the ordinary fees of the Emperor's physician, 250,000 sesterces, affirmed he was still a loser, his practice bringing him in 600,000; another demanded for a cure 200,000 sesterces; a third in a few years gained 10,000,000. The sesterce of those days may be valued at 17 or 18 centimes, — nearly 3½ cents; so that about twenty-eight were equivalent to a dollar.

⁵ Strabo, xiii. 578.

⁶ *Res publica nostra pro filia vel parente* (iv. 13).

⁷ ix. 30.

⁸ Henzen, p. 124. Pliny's correspondence contains six letters in which he mentions his gifts to individuals.

Observe, too, that these acts of liberality towards a single city, made known to us by the accident of a few letters which have escaped oblivion, were done in the space of a very few years and in a way by a single family, and all during the lives of the donors. — a fact which allows us to suppose there were many



PALMYRA : PORTICO OF THE COLONNADE.

others. They mark one of the characteristic features of municipal life in the Roman Empire; and inscriptions would furnish a multitude of similar examples, even in places which have become impassable deserts. At Palmyra, for example, the long porticos which border the principal streets were built by private individuals, who often received the honor of a statue decreed during

life by the senate and people.¹ Later, the Emperor's authorization became necessary for works executed at the expense of the cities: but this was not the case for monuments erected by individuals.² This exemption from long and troublesome formalities was an encouragement to donors, who often followed one another through several generations. A consul of Trajan's time had given 3,300,000 sesterces to Tarquinii: his son increased the amount to enlarge and complete the baths which had been begun.³

The aristocracy also sought to interest the multitude in their joys and their griefs, and there was no solemnity in the midst of a rich family which was not celebrated by some entertainment for the people, some public festival or games. "Those who assume the toga," says Pliny, "those who marry, or enter on office, or dedicate some public work, are in the habit of inviting to the feast all the Senate of the city, and even many members of the lower classes, and giving to each guest one or two denarii."⁴ The Romans of the Empire, even senators of Rome, did not feel ashamed to accept money, even the most trivial sum. A rich private person having imposed on his heir the obligation of giving a certain sum annually to the Censcript Fathers, Domitian annulled the will. The senators considered the Emperor too thoughtful of their dignity, and he indemnified them for their loss. On one occasion at the theatre, as the lottery tokens which he threw into the midst of the audience had all fallen on the third benches, — those of the people, — the next day he had fifty prizes thrown to the seats of the Senate.⁵ These habits of liberality prevailed throughout the whole Roman world. At Oea, in Africa, a widow distributes, on the day when

¹ Cf. De Vogüé, *Inscr. sémitiques*, Nos. 8-11, etc. Some of these inscriptions enumerate the bronze ornaments and the glazing with which the columns and architraves were covered, — the polychrome architecture of Athens transported to the desert!

² *Digest*, l. 10, §, sect. 1. This fragment is from Mucius, a juriconsult of the third century. If Pliny consulted Trajan from day to day respecting the works projected in Bithynia, the reason was that he was fulfilling in that province an extraordinary mission. It is possible besides that in the tributary cities the government had reserved betimes the authorization of expenses which might interfere with the returns of the state impost.

³ Henzen, No. 6,622. Cf. Orelli, No. 80. . . . *Quod liberalitates in patriam vicesque, et majoribus suis tributas, exemplis suis superaverit.* . . .

⁴ Pliny, *Epist.* x. 117. This usage was very ancient: for Plautus, in the *Truculentia* (v. 107), speaks of money distributions.

⁵ *Ingratulentibus curiam* (Suet., *Dom.* 9). It was a sort of fee given for attendance.

⁶ Suet., *Dom.* 4.

her son assumes the toga, fifty thousand sesterces. The next day she contracts a second marriage; and to escape the repetition of a burdensome generosity, she goes to be married a long way from Oea,¹ — a clear proof that custom would have imposed on her a second largess, in spite of the previous evening's liberality, if the marriage had taken place in the city.

Maximus lost his wife, a native of Verona. He gave the city, in honor of the deceased, a combat of gladiators,² — an old religious



AMPHITHEATRE OF VERONA.

usage which had been turned into an amusement: first, blood to appease the manes; later, blood to amuse the multitude. A corpse was carried by chance through the streets of Polentia on the way to a burial-place at some distance. The inhabitants made a riot and would only allow the procession to pass after the heir had promised them what doubtless they were accustomed to receive at the funerals of their principal men, — a gift of gladiators. At Minturnæ can be read on the base of a statue: "In four days he exhibited eleven pairs of gladiators, who did not cease fighting until half of them, all the most valiant of Campania, were stretched

¹ Apuleius, *Apolog.*

² Pliny, *Epist.* vi. 81.

on the arena: besides, he gave a hunt of ten terrible bears." And the author of the inscription exclaims proudly: "Noble fellow-citizens, you well remember this!"¹

Everything was acceptable, — struggles between old athletes, combats of low gladiators,² slaughter of wild boars, even of hares; and after the pleasures of the show those of the table, were it but some scanty pittance, which richer men changed into a feast. In ancient times religion ennobled everything: these feasts were acts of devotion, as were the early *agapæ* of the Christians.³ Religious faith had vanished, but the custom remained. Pliny had founded a temple at Tifernum: on the day of its consecration he gave a repast to all the inhabitants: it was part of the sacred festival. It was the same in the case of pious foundations made to honor some deceased person by a festival annually given to the decurions, the *Augustals*, the fellows of a college, etc.

Ideas of another sort constantly called forth acts of liberality of the same nature to clients, and even to all the people of a city. In some houses large halls were arranged, in which on certain days open table was kept (*trichina popularia*).⁴ Trimalchio wished to be represented on his tomb scattering a sack of gold pieces among the people. "For you know," he says to the architect, "that I gave a public feast and two gold denarii to each guest. Represent the *trichina* and all the people heartily enjoying themselves."⁵

These repasts were so usual that they had the name of *pub-*

¹ Henzen, No. 6,148. An inscription of Ancyra says of a citizen that he surpassed every one by his gifts, enriched his country by distributions, adorned it with fine works of art, etc. (Perrot, *Gallies*, p. 235, No. 125.)

² Martial (iii. 16, 59) ridicules a shoemaker — whom he calls, it is true, *sutorum populus* — and a fuller who had given combats of gladiators, the one at Bologna, the other at Modena. In the *Saturales* (15) there is in contemplation "gladiators at two sesterces apiece, decrepit, ready to drop if blown upon, and dead in advance; real refuse stock." Cf. Juvenal, *Sat.* iii., and Persius, *Sat.* iv. Yet in the reign of Tiberius a senatus-consultum had been passed prohibiting the giving of games if the donor were not possessed of at least four million sesterces (Tac., *Ann.* iv. 63).

³ *Festis insunt sacrificia, epulae, ludi* . . . (Macrob., *Sat.* i. 16).

⁴ Cf. Pliny, *Epist.* i. 3.

⁵ Petronius, *Satyr.* 71. These donations were of all kinds. The little city of Acreaphion, near Chaeroneia, has handed down to posterity, in a pompous inscription, evidence of its gratitude for the feasts, sweetmeats, and delicacies given by one of its citizens to the whole population, even the slaves (C. I. G. No. 1,625). Cf. Egger, *Mél. d'hist. anc.* pp. 76 and 87. Others furnished oil for the games or the baths, etc. Another curious example may be found in C. I. G. No. 2,236, and Lebas, *Inscr. de Morée*, No. 149.

licae cenae. But the Emperors were very distrustful of these assemblies, fearing that the nobles might find there assassins for hire, — *bravos*, in fact, such as the great Italian lords had for so long a time in their pay. Nero prohibited these banquets,¹ allowing only the *sportulac*, or baskets filled with provisions and given to indi-



COUCH FOR THE REPAST.²

viduals. The thing was still more simplified; the *sportula* was replaced by the gift of some sesterces, the more willingly accepted because they served to satisfy other wants than hunger. These distributions of money were in their turn suspected, and Domitian suppressed them and again substituted the *sportula*.³ *cena recta*.

¹ *Publicae cenae ad sportulas redactae* (Suet., *Nero*, 16).

² Before the person a round three-legged table (*ae usutripus*); near the table a cup-bearer (*pocillator*). Bas-relief in the Museum of the Louvre, No. 11 of the catalogue.

³ . . . *Sportulas publicas sustulit revocata rectarum cenarum consuetudine* (Suet., *Dom.* 7).

Trajan, who disliked anything of the nature of an association, did not, however, dare to destroy this last relic of republican manners; he seems to have left the choice to those interested between the two forms of the *sportula*,—in provisions or in money. Spain and Spanish America still preserve these Roman customs.

These liberalities took place under exceptional circumstances: others occurred daily for the benefit of the clients. When the client gave the patron his vote in the comitia, his blood on the battlefield, and his fidelity everywhere, clientship was that solid institution to be found under one form or another in all aristocratic societies. In the second century of the Empire it was nothing else than organized mendicity; *i. e.* an institution of decay. If a man were poor, or only straitened in means, and lazy, admission was gained into a body of clients. It was an easy matter, for one of the vanities of the rich was to appear in public preceded or followed by citizens in togas,—*turba togata*: as the *grand seigneur* of former days never showed himself at court but with a numerous retinue of gentlemen. Consideration being proportionate to the number of clients, the patrons made it a point to have a good number of them. “What a thick smoke!” exclaims Juvenal.¹ “It is the *sportula* they are distributing. A hundred are rushing thither, each armed with his kitchen apparatus.” Nor did they feel any more shame than a hidalgo with a torn mantle going to obtain his soup at the convent of Toledo.

Doubtless in this multitude were sometimes heard muttered murmurings, and there was much secret ill-will against “the king and lord” who on certain days showed haughtiness or niggardliness: “You invite me, Sextus, and while you enjoy a grand supper you give me a hundred quadrantes. Am I invited for supper, or to be envious of you?”² But for a service which gave little trouble,³ and in which the ancients did not see the servility which we find in it, the daily salary, 25 ases,⁴ or 2,280 sesterces for the year, was a good deal of money taken from men who had too much, and

¹ *Sat.* iii. 249.

² Martial, *Epigr.* iv. 68.

³ Yet Martial terms it *inopuous cruce* (x. 82). But he was very idle, and in spite of his practice of extending without shame his hand with its gold ring, the little dignity left in the poet's soul rebelled in the presence of certain patrons (cf. x. 70, 74, and many other places).

⁴ 100 quadrantes, or 25 ases, were worth 625 sesterces.

bestowed upon those who had not enough. To the daily quadrantes must be added the occasional largess, — gifts now and then, an old cloak, a half-worn toga, invitations to dinner, a corner in the palace to lodge in,¹ sometimes even, in a lucky moment, a field like that which Martial received,² and about which the begging poet does not seem to care after he has got it, in order to obtain more. “You have given me,” said he, when reproaching his patron for his meanness, “some land at the gates of Rome; I have a larger extent on my window. . . . A caterpillar would starve there, a swallow would carry off all the straw for her little ones’ nest, and a spoon would hold the harvest.” Then, too, the clever ones would secure several patrons, and with good legs they were equal to a manifold service. Therefore it was, whatever the disappointed may say of it, a trade on which one could live, — on the condition, it is true, of not being too proud. These figures are for Rome and the suburbs;³ in the provincial cities the *sportula* yielded less. But I am quite certain that it was always given where scanty means and much vanity existed: two things which often go together, and which in the Empire were never wanting.

The Emperor had his clients like other rich men; the palace was crowded with them. They followed him in his travels, ate at his table or in its neighborhood, and received his gifts, — which Quintilian calls *congiaria*, like the distributions to the people.⁴ But the feeling of natural or social inequality was so deeply rooted in the heart of this society that the Emperor and all who reckoned a sufficiently large number of clients or “friends” divided them into classes, under very different conditions, without thereby exciting any opposition; there were friends of the first, second, or third degree.

¹ *Digest*, ix. 3, 5, sect. 1.

² xi. 18.

³ At Baiae, Martial received from Flaccus the one hundred quadrantes. Martial (*passim*), Juvenal (*Sat.* i.), and Fronto (*Ad Marc. Aug.* 5; *Ad Ver.* 7, show that under this form the *clientela* was still in full vigor in the time of the Antonines: it is found even later, but it no longer carries the idea of fidelity on the one part and actual patronage on the other. See the complaints of Martial against Ponticus, who refused him every kind of assistance. Yet we must distinguish between mere transient clients, runners after *sportulae*, to whom applies what was said before, and family or civic clients, by which I mean those who were hereditary clients by virtue of a contract in proper legal form between the first patron and the first client, for them and their posterity (cf. Orelli, Nos. 1,079, 3,056 *et seq.*), the freedmen over whom the ancient master had the right of correction, and the inhabitants of a municipium who had been given a patron in perpetuity (*Id.*, *ibid.*).

⁴ vi. 3, 52.

Even cities made themselves the clients of a rich and influential patron, sometimes of several. Canusium had thirty-nine patrons,

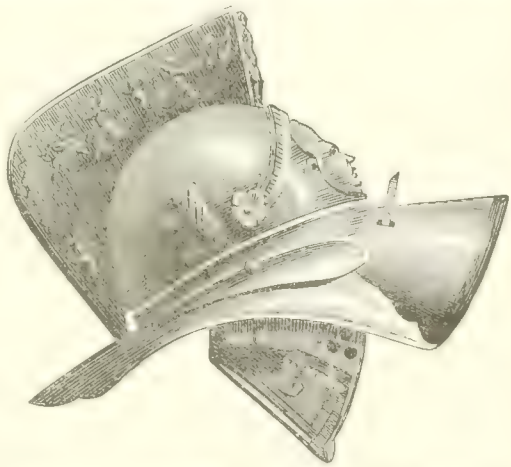


COIN OF A PATRON OF
A CITY.²

of whom thirty-one were Roman senators and eight Roman knights.¹ These men of the South, always lovers of games, spectacles, and noisy demonstrations, knew how to make the most of the lavish, the seekers for popularity, and the vain who liked to hear men say: "There goes the patron of this or that important city!" In this community, where the manners of the republican aristocracy had left so many traces, it

was remembered that Scipio and Marcellus, Brutus and Cato, all the great citizens of Rome, had been patrons of cities or peoples.

At that time this patronage had been useful even to those who exercised it, now it was merely honorable; but it was so in a high degree, and the most considerable personages did not at all disdain to place this last relic of the distinctions conferred by the people at the side of titles which the Emperor³ had conferred. To the cities, this patronage was a protection



GLADIATOR'S HELMET (MUSEUM OF NAPLES).

against the excesses of a governor, who from the depths of the most remote province was restrained by the fear of the formidable accusers whom an injured people might raise up against him in the Senate of Rome.⁴ This selfish interest was by no means concealed; the document which officially constituted the bond between the people and their patron often contained these words: "We offer you this, the highest honor of our city, in order that we, by

¹ Mommsen, *Inscr. Neapol.* No. 625. See the advice that Fronto (*Ad Amic.* ii. 10) gives to his compatriots for the choice of several patrons.

² MVNICIPII PATRONVS, and an *aplustre*; i. e. an ornament which decorated the stern of ships. Bronze medal of Cadiz.

³ Orelli, No. 781.

⁴ See the discourse of Thræsea in the Senate, and the examples furnished by the younger Pliny.

means of you, may always be secure and well protected." Should also this bond be relaxed or broken, it was renewed, *renovavit hospitium*.¹

To choose a patron, the senate was called together. A decree had been prepared by the decurions, presented to the public assembly, and voted as a legislative act;² it was a contract which bound the posterity of the protector and of the protected.³ Thus Bologna was under the patronage of the Antonii,⁴ Lacedaemon of the Claudii, Sicily of the Marcelli, etc.; even women and children were patrons of a city.⁵ The act was engraved on a tablet of bronze or marble (*tabula hospitalis*), which was preserved in a temple, and of which a copy was solemnly deposited in the patron's house;⁶ from that time he became the official defender of the city before the central government, and of its citizens before the tribunals. For his clients he exhausted his credit and his purse; he rebuilt their decayed monuments or erected new ones; he gave them games of athletes or gladiators, festivals, public repasts; he made to them distributions of money, or, like Pliny, founded some provident or charitable institution. But then he walked, when in the city, at the head of the magistrates; he had the first place in the temple, at the theatre, and at the feasts; he was offered presents, which he returned a hundred-fold; during his lifetime inscriptions, busts, and statues were voted to him; and at death a tomb, on which were the words: "This monument has been erected at the expense of the community by a decree of the decurions, in gratitude for the services rendered by N. to the city."⁷ The patron's protection was more effectual than that of Jupiter; like the god, he was paid with incense, pomp, and acclamations, and everybody

¹ Orelli, Nos. 4,036, 4,037.

² *Consentiente populo* (Henzen, No. 7,171). At Malaga (cap. lxi.), at Genetiva Julia (cap. cxxx.), the choice of the patron was made by a decree of the senate passed with a majority of two thirds.

³ . . . *Eumque cum liberis posterisque suis patronum cooptaverunt* (Henzen, No. 6,413). We know of many acts of this sort.

⁴ Suet., *Octav.* 17.

⁵ *Puer egregius ab origine patronus ordinis et populi* (Orelli, No. 3,767). A daughter of Marcus Aurelius had this title at Guelma (L. Renier, *Inscr. d'Alg.* Nos. 2,718-2,719); a priestess of Venus at Peltuinum (Orelli, No. 4,036), etc.

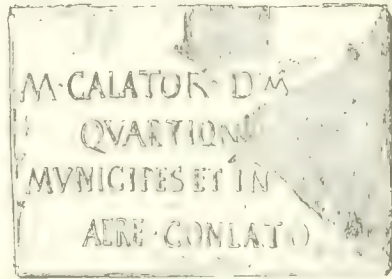
⁶ Orelli, No. 784.

⁷ . . . *Nipa ob merita ejus erga rem publicam scholam et statuas decrevit* (Orelli, No. 314). Cf. No. 3,853; two statues, a silver shield, etc.

was satisfied, — most of all the man who had half ruined himself in order to appear of importance.¹

To the liberality shown by the rich during their lifetime were added testamentary legacies, which were very common, the law giving the father the absolute disposition of three-fourths of his property, and custom demanding that he should make a will. Before the *Apronian senatus-consultum*, passed under Trajan or Hadrian, cities could not receive a gift or inheritance, except by special authorization, as in the case of Marseilles under Tiberius, or by an evasion of the law, as when Pliny

secured to Como a revenue of fifty thousand sesterces. But friends and companions of the deceased, even strangers who did honor to the city or the state, received unexpected gifts in wills. Pliny writes to Trajan: "Julius Largus, of the province of Pontus, whose face I never saw and whose name I never heard, has in his



INSCRIPTION PLACED UNDER THE
STATUE OF MARCUS CALATORIUS.²

will begged me to accept fifty thousand sesterces out of his estate, and to divide the remainder between the cities of Heracleia and Tyana, to be employed in public works or in quinquennial games."³ The Roman family was strengthened rather than weakened by this testamentary freedom, which obliged the son to show more respect to his father, as well as more prudence in his own affairs: and the city was the gainer also, by not having within its walls men considering themselves as strangers in the midst of their fellow-citizens.

These relations, established by custom between the different classes of society, gave a peculiar character to municipal manners, in spite of the offensive distinction established by the law between the

¹ In this case the city sometimes afforded help to the patron's family. Women or children whose husbands or fathers had perhaps been ruined in the public service obtained from the decurions what was at that time one of the great anxieties of life, — a tomb (*Inscr. de Lyon*, No. 194).

² It must be completed thus: *Marcus CALATORIO Marci filio QVARTIONI MVNICE ET INcolae AERE CONLATO*: "To Marcus Calatorius Quartio, son of Marcus, the citizens of the city and the inhabitants, with the money which they have collected" (Naples Museum; cf. Roux, *op. cit.* vol. vi. pl. 86, and p. 167).

³ *Epist.* x. 79. Augustus in twenty years had received fourteen hundred million sesterces by legacies in wills, although he refused many which were made him (Suet., *Octav.* 101, 66).

honestior and the *humilior*, — a difference which, after all, the evil-doer alone felt. The rich seemed to be responsible for securing the pleasures, and to some extent the subsistence, of the poor.¹ It was quite as much for them as for the senators that they erected buildings, since the whole community occupied seats in the same theatre, bathed in the same baths, walked under the same porticos. With us it is rare for the rich and poor to know one another; in the Roman city they were in continual communication, by means of the clientship, the patronage, the lavish gifts which associated the one class in the amusements of the other. Games, spectacles, and exercises were common to all. From all this came a spirit of mutual good-will and order which secured the tranquillity of the Empire.

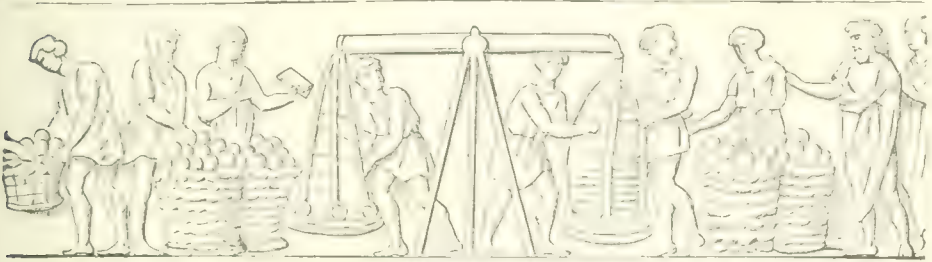
Why is not this the case in modern society? For several reasons. We do not possess the great Roman municipium, with its habits of close relationship between the citizens; we have the law of a compulsory division of property, which prevents testamentary acts of liberality, by making the father's fortune the inalienable property of the son. In the family, by depriving its head of the right of disinheriting the child who throws disgrace on his name, domestic discipline has been destroyed; and throughout the population our continual revolutions have caused a fierce sentiment of false equality which has expelled patronage from our manners and respect from our public life. Each is his own master, — which is a good thing; but many in this way remain isolated in the immensity of the state, and are ready to charge society with the ills of which this isolation is the cause.

IV. — COLLEGES AND BENEVOLENT INSTITUTIONS.

HITHERTO we have considered a Roman city in its totality; but the municipium contained, like so many little communities, corporations (*collegia, universitates*) formed by all those who found interest or pleasure in being associated. For a long time

¹ There are many examples in Greek inscriptions of generous citizens importing corn in time of scarcity and selling it at a low price. At other times this is done by the magistrates in the name of the city (*Bull. de corresp. hellén.* February, 1881, p. 89).

the right of association was practised without restriction, and there existed guilds of handicraftsmen from the earliest times of Rome's history. When, in the last century of the Republic, they became a cause of disturbances, they were suppressed, except a few colleges which their antiquity or their religious character specially protected. Clodius, in order to provide himself with a revolutionary army, re-established them in 58 B. C. and created new ones from the dregs of the people. Caesar compelled them to dissolve, and



WEIGHING OF LOAVES AT A BAKER'S.²

Augustus tolerated only those which were founded by virtue of a *senatus-consultum*.³ His successors continued faithful to this policy and subjected the members of illegal associations to the most terrible punishments. Ulpian says: "Whoever forms a society without permission, is liable to the same penalties as those who by armed force hold the public places or the temples."⁴ And these

¹ Gaius, in his *Commentary* on the Twelve Tables, says: *Societates sunt quæ ejusdem collegii sunt, quæ Græci ἐταίριαν vocant. His autem potestatem fuit lex præterire quam velint sibi fieri, dum ne quid ex publicis locis occupant.* He regards this right of association as derived from a law of Solon, which he quotes, in which the extent and variety of this right are shown: *ἐὰν δὲ δῆμος, ἢ φράτορες, ἢ ἱερῶν ἀρχῶν, ἢ ναῖται, ἢ σφόδρα καὶ ἡ ὁμάδατοι, ἢ θιασώται, ἢ ἐπὶ λείαν οἰχόμενοι, ἢ εἰς ἐμπορίαν . . .* (*Digest*, xlvii. 22, 4). The Twelve Tables only forbade night assemblies, and the Gabinian law only clandestine meetings (*Porc. Latro, Declata, contra Catil.* sect. 10). On the *collegia*, *corpora*, *sodalicia*, *scholæ artificum et opificum*, see capp. xvii. and xviii. of Orelli, the *Index* of Henzen, the dissertation of Mommsen, *De Collegiis et sodaliciis*, Boissier, *La Religion romaine*, ii. 274, and Levasseur, *Les Classes ouvrières*, vol. i. liv. i. cap. vi.

² Bas-relief on the tomb of Eurysaces. See this tomb, Vol. IV. p. 116.

³ Dion, xxxviii. 13; Suet., *Caesar*, 42; *Octav.* 32; Josephus, *Ant. Jud.* xiv. 10, 8. Cf. the *senatus-consultum De Bacch.* (*C. I. L.* i. 135); Ulpian, *Ad leg. Juliam maj. castis* (*D.* xlviii. 4, 1). All disorders were readily attributed to these associations; the first measure ordered by the Senate towards stopping the dispute between Nuceria and Pompeii was to suppress the colleges, *quæ contra leges instituerant* (*Tac., Ann.* xiv. 17). The passage well shows the two contrary tendencies, — in the people, the desire of multiplying the colleges; in the government, the wish to restrain them. Chapter cvi. of the law of *Genetica col.* interdicts *coetum conventum conjunctionem*.

⁴ *Digest*, xlvii. 22, 2: *collegium illicitum*.

penalties were those attached to high treason; namely, banishment or death. We have seen Trajan's jealous repugnance towards all associations, although he himself constituted at Rome, in the public interest, the guild of bakers; and Gaius said, moreover, about the year 150:¹ "They are authorized only for a few reasons. Thus the farmers of taxes, the workers of gold, silver, and salt mines, are permitted to form themselves into societies. Rome has besides many corporate bodies legally established, such as that of the bakers, the boatmen of the Tiber, and others.² Some exist also in the provinces. These associations can possess property," as can the city, a common chest, a syndicate for managing their affairs and defending them in the law-courts."

Yet we have noticed, beginning with Hadrian, an expansion in this policy, at least in respect to the Christians; and this certainly agrees with another regarding the trade and festive societies, for a decree of the "Divine Brothers" — Marcus Aurelius and Verus — proves the existence of the usage by the very prohibition which they make against being members of two colleges at the same time, while granting to these associations the right to receive legacies and to emancipate their slaves, — hence to inherit from their freedmen.⁴ Half a century later Alexander Severus himself formed all the trades into guilds.⁵ Manners led to it. Feeling themselves lost in the immensity of the Empire, men attached themselves the more strongly to their city; and in the city itself the movement towards concentration, arising from the increasingly aristocratic character which municipal administrations were taking, had long impelled the *humiliores* to associate according to their wants and their ideas. Political considerations had combated without destroying this inveterate custom of the Græco-Latin world; and as is always the case when manners are in opposition to the law, it is the former which conquer: the old usages had triumphed over the reluctance of the government. This custom had moreover, been

¹ *Digest*, iii. 4, 1.

² The scribes of whom Martial speaks (viii. 38) formed one of the colleges at Rome.

³ The widow of a rich freedman left to a college a site for a chapel, a marble statue of the god, a terrace sheltered by a roof with a gallery, where the fellows could hold their collegiate repasts (Orelli, No. 2,417).

⁴ *Digest*, xlvii. 22, 1, sect. 2; xxxiv. 5, 20, and xl. 3, 1 and 2.

⁵ Lamprid., *Alex. Sec.* 32. Hadrian had established something similar for the artisans whom he took with him in his travels.

strengthened by the example of the companies authorized by government for the service of the state or the public needs. Then men of the same trade, of the same district, of the same street, the freedmen of the same master, the worshippers of the same



PRACTICE OF SINGING, OR MUSIC.¹

Lares at the nearest cross-roads, those adoring the same divinity at a neighboring temple, the merchants from the same country,² or the Romans (*collegium urbanorum*) and the veterans settled in a foreign city, many others also,³ associated together for the purpose of rendering mutual help, for religion, or for pleasure.

¹ Mosaic in the Museum of Naples.

² *Collegium peregrinorum*. Thus at Tomi existed *ἀνείκεος*, or the chamber of the Alexandrine armorers, etc. Cf. Perrot, p. 67. An inscription (Orelli, No. 1,246) reads: "The people of Berytus, worshippers of Jupiter of Heliopolis, established at Puteoli;" and there are many similar to this.

³ For example, corporations of artists, musicians, and actors. Cf. Egger, *Mém. d'archéologie*, p. 31. Slaves could not enter a college without the consent of their masters, *dominus volentibus* (*Digest*, xlvii. 16, 3, sect. 2).

Men formed associations for feastings,¹ or, like the French clerks of the Basoche, to celebrate some holiday by scenic representations, or for the practice of singing, music, and gymnastics, etc.² Especially there were funeral associations.³ To be certain of a tomb was at that time every man's chief care. The rich made theirs ready on their own domain; the poor, who had not a spot of ground to hold the sepulchral urn, bought in common a corner, where they would be protected by the "members" better than a knight was, in his sumptuous tomb, against the indignities of placards and announcements, sometimes against the intrusion of another corpse, which from economy the heirs might try to place in some old sepulchre.⁴ Nerva had encouraged this institution, by establishing a fund to aid the poor in meeting their funeral expenses; and as these societies were by far the most numerous, since they had been authorized by a senatus-consultum, others took the form of a burial society to give a legal character to meetings of a different sort.

We have the rules of one of these colleges, that of Lanuvium.⁵ To become a member, there was a payment of a hundred sesterces and an amphora of good wine (about six gallons); to continue in it, six ases a month must be paid to the common fund. In consideration of this, each member was assured of having a funeral pile and a tomb, costing the fraternity three hundred sesterces, fifty of which were paid to the members who should follow at the funeral to do honor to the deceased. If the subscriber had died within twenty miles of Lanuvium, three members, selected for this purpose, set

¹ Tertullian (*Apol.* c. 39) makes allusion to societies for feasting: *Epulae potacula voracitinae*. . . . In an inscription of Orelli, No. 4,073, the associates call themselves "boon companions." — *convictantes qui una epula visci solent*.

² The *Judi juvenales* celebrated by *collegia juvenum*, which are found in great number in Italy in the first and second centuries. Cf. L. Renier, *Comptes rendus de l'Acad. des inser.* 1866, p. 164, and Orelli, Nos. 1,383, 3,909, 4,094, 4,101, etc.

³ *Ομόταφοι*. See the curious passage in Gaius quoted at p. 95. These colleges, or something analogous, still exist in Germany, — *Storbekassen*, or *Grabkassen*. For a very moderate premium the family receives, at the death of the assured, a certain sum for his burial, — *Begrabnissgeld*: the same thing exists in England and Ireland.

⁴ See, in the *Comptes rendus de l'Acad. des inser.* for 1866, an inscription of Thasos, in which the proprietor of a tomb threatens with a fine of four thousand denarii, to be paid to the city, those who might try to put another corpse in it. There are many such inscriptions. The infliction of the fine was certain, because it went either to the municipal or to the imperial treasury (*arcae pontificum*), and public authority was aroused against violators of sepulchres (*Digest*, xlvii. 12, 3, sect. 3).

⁵ Henzen, No. 6,086.

out at once for the funeral, and they were paid twenty sesterces as travelling expenses. If he died at a greater distance, they paid the customary *funeraticum* to the undertaker. Lastly, if a master, "from spitefulness," refused to give up to the association the corpse of his deceased slave, none the less on that account did the dead associate receive the semblance of funeral rites.¹ Suicides had no right to anything. The black and white penitents of Southern Europe keep alive to this day the memory of these funeral associations.

The slave-member of a college who obtained his freedom was expected to give, on this joyous occasion, an amphora of wine, which was reserved for future use. Six times a year the members dined together. The fare was plain,—for each guest a loaf of bread, four sardines, and a bottle of the wine which, with curious forethought on the part of a burial society, they had in store.² But the company were not at those times occupied with gloomy thoughts; they loved to laugh, and to drink also, and would not be drawn aside from their pleasures until they had emptied the twenty-four gallons (four amphorae) put on the table. "If any one desires to make any complaint," says the rule, "or to make any proposition, let him await the stated meeting of the college: we wish on holidays to dine quietly and pleasantly, *at quieti et hilaris . . . epulemur*." As in the city, breaches of the rules were punished by fines.—four sesterces for having taken at the feast a seat which was not a man's own, twelve for having made a disturbance, twenty for rudeness towards the president; these fines doubtless served to increase the bill of fare. The managers of the feast³ must furnish the cushions for the couches, the plate, and the hot water⁴ which it was common to mix with the thick or honeyed wines of the time.⁵

¹ *Ei funus imaginarium fiet* (Henzen, *ibid.*).

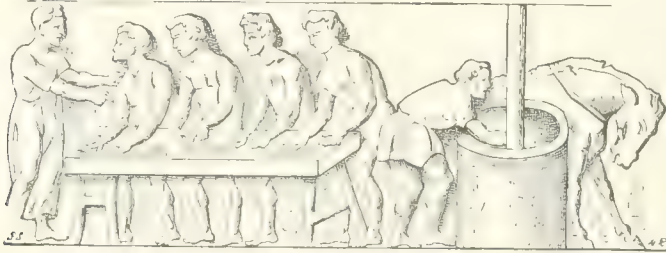
² Many other inscriptions mention this distribution of wine: cf. Orelli, No. 2417. A special legacy secured twice a year to the ordinary members of this college, two denarii and three sextarii of wine (over two quarts), to the servants double, to the officials three times as much, and to all four loaves each.

³ *Magistri cenarum ex ordine albi facti*.

⁴ The taste for hot drinks was so general that there were many thermopolia at Rome . . . *In thermopolia . . . calidum libant* (Plaut., *Curcul.* II. iii. 13, 14).

⁵ This picture of the interior economy of a Roman brotherhood is taken from a long inscription found at Lanuvium (Henzen, No. 6986), which is of the year 136, and which bears at the top the senatus-consultum authorizing burial societies. We infer from this text that the quotation of Marcianus in the *Digest*, xlvii. 22, 1, which has not the words *in funus*, which are in the inscription, was incomplete. This juriscounsel speaks of the principle established by the

These corporate bodies, in which the slave sat down at the same table with the free man, and by means of which were secured to him a funeral and a tomb, show how Roman society, in its ideas



BAKERS KNEADING DOUGH.¹

and in some of its institutions, had already taken a step towards Christianity.

The guild had its patron also. He was very humbly begged to accept this onerous title, and to allow the decree of appointment

whole of the imperial rescripts, *mandatis principalibus praecepitur*, and not of the *senatus-consultum* mentioned at Lanuvium. He sums up the principle in these words, — that *sodalicia* are prohibited, and yet that the poorer classes are allowed to have a common purse, supported by monthly payments, on the condition that meetings do not take place more than once a month. Marcianus goes even farther in saying: . . . *Religionis causa coire non prohibentur* (*ibid.* sect. 1), and with their masters' permission slaves can be affiliated, *collegio tenuiorum* (*ibid.* sect. 2). Opposed to this passage from Marcianus are the following words of Ulpian: *Sub praetextu religionis vel sub specie solvendi voti cunctis illicitis nec a ceteris tentare oportet* (*Digest*, XLVI. ii. 2). I see here a precaution against military disorders, and I can comprehend that after so many barrack revolutions the government, regarding every meeting of soldiers as dangerous, had placed under a general prohibition, aimed at illegal assemblies, those of veterans, who might allege the pretext of a sacrifice or a vow in order to meet and plan a rising. It was impossible to interdict religious assemblages, for this would have been to suppress public worship. Marcianus does not speak differently. But there was need to strike at societies which concealed their true purposes under the guise of religion: this is the purport of Ulpian's words. The Romans, like the English, had certain very rigorous laws which were generally left dormant, but which they used in case of need. Thus a well-decided principle of the imperial policy was to interdict associations, and the constant usage was to tolerate, even in the camps (cf. Renier, *Inscr. d'Alg.* 57, 60, 63, 70), all those which seemed to be inoffensive. Against others there was always in reserve the law, which could be applied; this was what was done against the Christians. Nevertheless, Mommsen admits that those colleges in which he saw only burial associations would have meetings *ad opulas et res sacras quotiens res ferebat* (p. 88), and he adds that every association which required a monthly subscription took, without constituting itself a special college, the legal form of a burial society. I do not ask more; with that alone all the rest can pass. The prohibition cited previously against being a member of two colleges at once proves, contrary to the opinion held by Mommsen, that there were different kinds; for I do not think that any one desired to be affiliated to two funeral colleges for the sake of having two tombs. Walter (*Gesch. des Röm. Rechts*, No. 339) thinks also that the funeral colleges were only one of the classes of those authorized, and he says respecting Mommsen's statement: *Seine Gründe sind nicht überzeugend*.

¹ Bas-relief on the tomb of Eurysaces.

to be carved above his door, with many compliments for his meritorious action and his generosity; and there could always be found some well-to-do merchant who was delighted to accept this dignity in the absence of another.



DIANA WITH DOG.¹

The trade societies, like our ancient guilds, sometimes sought patrons in heaven. On the 19th of March the weavers, fullers, and dyers betook themselves, headed by their standard,² to the temple of Minerva; the 19th of June was, for the millers and bakers, the feast of Vesta and of their guild. Others were worshippers of

¹ Statue in the Vatican, Hall of the Biga, No. 622.

² *Vexilla collegiorum* (Vopiscus, *Aurel.* 34, and *Gall.* 3).

Diana and Antinous, of the chaste goddess and the imperial favorite whom a strange syncretism had united in one temple at Lanuvium. In fact all the divinities of the Roman Pantheon, the new as well as the old, were invoked, even those ill-defined and yet popular divinities that were styled *genii* (*collegii genio*). For them a chapel was built at the place where the guild held its meetings; on the holiday they were offered incense and wine, a grain of the former and some drops of the latter, and a victim, of which the complaisant god left a good share for the faithful, being himself satisfied with the sweet smell which arose from the fat burned on his altar.

Thus by the side of the trade societies which old usages and the competition of the slaves had compelled the free workmen to form, there existed others which recall the brotherhood or guild of the Middle Ages.

The college with a certain pride called itself "the republic," and its members were "the people;"¹ it was in fact organized after the pattern of the city. Like the latter it possessed that character of a civil person which Marcus Aurelius had recognized when he gave it the right of receiving legacies.² It had statutes, discussed in the general meeting (*concentu pleno*), which were its law; monthly subscriptions, which represented the state tax; its *album*, or list of associates, revised every five years; its annual heads elected to office, and its distributions of food or money given by some generous patron.³ Moreover, like the decurions in similar circumstances, the dignitaries of the college received a better portion⁴ or a larger sum; but like them also they were condemned to burdensome liberalities. This mode of recognizing the dignity of the chief by serving him better at table had a famous precedent. At Sparta the law gave a double portion to kings; in this manner Rome always honored the courage of her bravest soldiers,⁵ and the Church [imitating the Mosaic law] will do the same towards her priests.

¹ . . . *Populus collegii* (Orelli, No. 2,417, and elsewhere).

² *Digest*, xxxiv. 5, 20.

³ Under Antoninus four senators of Rome were patrons of the boatmen's guild of Ostia (Guasco, *Mus. Cap.* ii. 185).

⁴ . . . *partes duplas* . . . *sesquiplas* (Or-Henzen, No. 6,086). See at No. 2,417 the very curious regulation of the college of Aesculapius and Hygeia.

⁵ Pliny, *Hist. nat.* xviii. 3.

This strange practice covers an idea which was true at the time when combats were often hand-to-hand fights. To recompense a brave man he was given the means of increasing his strength, in the gift of a larger supply of food: conversely, the coward was punished by weakening him: bleeding was a disciplinary punishment in the Roman army. This people, very tenacious of their usages, honored the peaceful decurions of the Empire in the same way that their ancestors had honored the heroes of ancient days.

These associations, which were a legacy from the Empire to the Middle Ages, raised the poor man in his own eyes and in the eyes of others. By their union, the members of the college took a position in the city and made themselves of account there. Isolated, they would have been despised: united, they became one of the organs of municipal life. Some of these colleges even secured to their members, by virtue of a concession of the Emperors, the freedom of the urban offices;¹ and this privilege of certain corporations increased the consideration of the others. Thus it often happened that a decree of the decurions assigned at the theatre special places to the members of an important corporation;² that on public distribution days they received their share before the plebeians, and that they had a better one. Even in the elections, the support or opposition of an inferior college was a matter of importance, which gave to these people of humble rank the ability of speaking out, at least for the moment. An inscription at Pompeii states: "The fishermen nominate as aedile Popidius Rufus."—an announcement somewhat bold, and very likely to influence the undecided and to intimidate opponents.³

We also see that at this period election was practised everywhere, in the corporation as well as in the city, and that it constituted the strength of the system. But we also find in it another thing. These little cities contained in the great one were often animated by a real spirit of fraternity. These poor people⁴ loved one another. A freedman wrote on the tomb of his wife, a former slave: "To the best of women, who never did me anything unto-

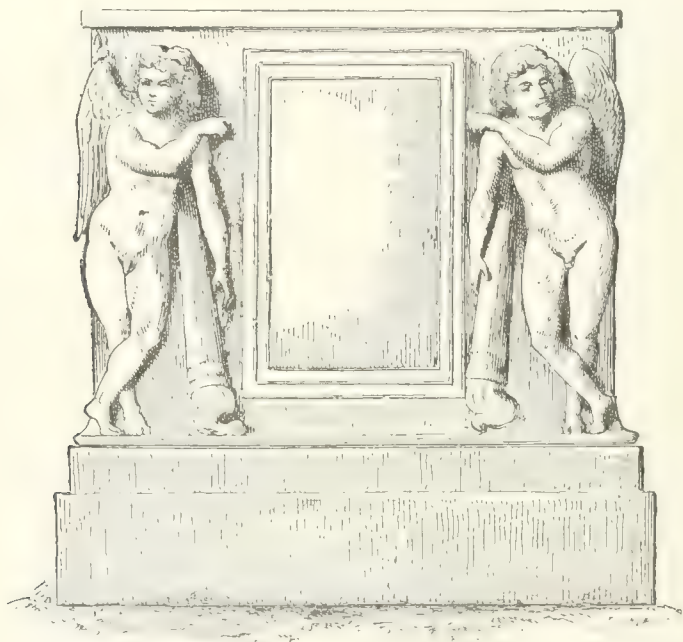
¹ *Munera* (*Digest*, l. 6, 5, sect. 12).

² Boissieu, *Inscr. de Lyon*, p. 396.

³ *C. I. L.* iv. 826. Boissier, *Relig. rom.* ii. 332.

⁴ See *C. I. L.* iii. 633, the sixty-nine names inscribed on the altar of one of these colleges; they are only people of the lower class, almost all of them freedmen, four slaves of the colony, three of private persons.

ward except that she departed from me;" and he erected this tomb for her, for himself, and for all his freed men or women.¹ Many funeral monuments are raised "by a friend:" *C. Julius Flavius amico suo*. They treated one another as "brothers;" one of them we see giving "to his brothers composing the college of Velabrum"² a monument which he had restored. Others announce that they have consecrated an altar to Jupiter "with the assistance of the



FUNERAL MONUMENT DEDICATED BY A HUSBAND TO HIS WIFE.³

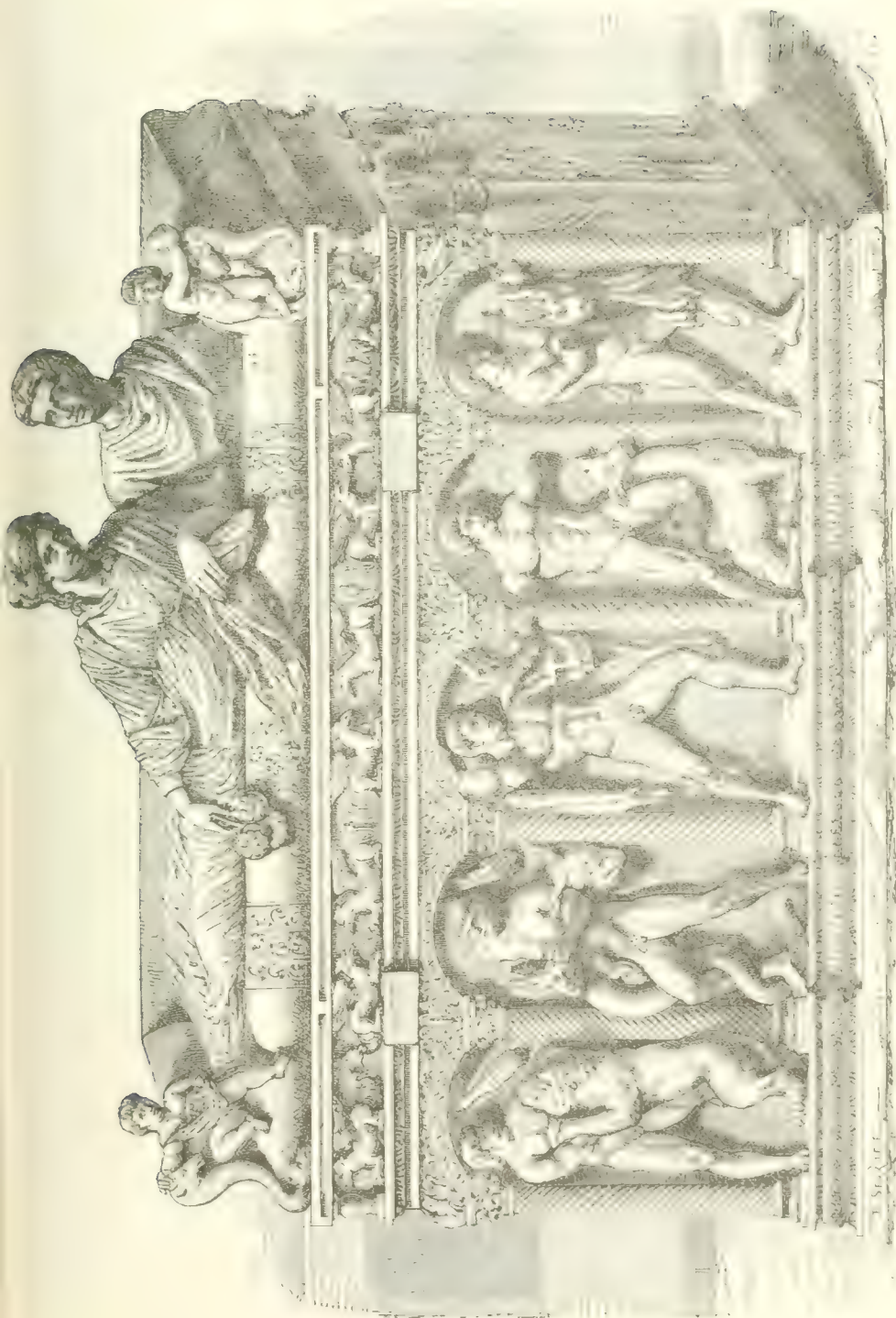
brothers and sisters." In another case it is a friend who, on the anniversary of the birth of the friend whom he has lost, makes a distribution "to the grateful and pious multitude" of his old brothers.⁴ These usages were general, and it was not the poor only who helped one another. The senators of Rome, who many times under the bad Emperors had acted as informers against each other, under a better rule offered voluntary subscriptions to aid a colleague in giving games or in rebuilding his palace when

¹ Orelli, No. 575.

² Orelli, No. 1,485.

³ Museum of the Louvre.

⁴ Martial, *Epigr.* viii. 8. The monument reproduced on the following page was erected by Q. Marcus to his brother: *D. M. Mamertino Q. Marcus Chamo (?) Fratri piissimo et Parthenope conjugii bene merenti* (Piranesi, *Vasi*, vol. ii. pl. 170).



CINERARY URN ENGLAND. THE ASHES OF A MARRIED COUPLE.

burned down;¹ and amidst the eulogies pronounced on the deceased it would have been fitting to carve on more than one patrician sepulchre these words, which are often seen on the tombs of the common people: "He was devoted to his family, to his college" (*pius in suos, pius in collegium*). As early as the time of Augustus a rich freedman inserted in his epitaph that he had always been a "friend of the poor."²

The inscriptions of Lambese have disclosed a practice which, since there is no reason why it should be peculiar to the legion cantoned there, must have been general in the Roman army,—the existence of military colleges and the favor which, in spite of the express prohibition by law, the legates themselves extended to them. These colleges had formed, from the subscriptions of their members, what was really a relief fund;³ and it is not rash to conclude from this fact that some civil corporations had devised similar institutions.

There was also in the corporation the spirit of discipline and order. Classes existed in the college as in the curia; ranks were assigned and were kept. At the head of the *album* were inscribed the patrons of the corporation, its elected chiefs, its dignitaries; then the freemen, the freedmen, and the slaves. Order was pleasing to them, and they accepted quite naturally the subordination of ranks, which the teaching of a barbaric equality had not as yet confused. Accordingly, no more docile subjects were to be found. In those immense provinces which had not a single soldier, there is no mention made of insurrection.⁴ The armies revolted, but not the peoples. Religious feeling caused riots against the Jew or the Christian; but there were none against the magistrate or the law, or against society. At the very most, in times of famine there were

¹ Seneca, *De Benef.* ii. 21, 5; Juvenal, *Sat.* iii. 216.

² *Misericordis, amantis pauperes*. The inscription reads *pauperis*. But this pearl-merchant of the Via Sacra, who built on the Appian Way a tomb in which other freedmen were buried, could not be called a poor man. Besides, *is* for *us* was often used, not to speak of the solecisms common in inscriptions. See Egger, *Mém. d'hist. anc.* p. 356.

³ Cf. Léon Renier, *Inscr. rom. de l'Algérie*, Nos. 60 and 70. The associate when travelling received his travelling expenses, the veteran before setting out on his leave five hundred denarii, etc. The Greek countries had long been filled with similar associations. The *chorai* formed religious societies, as well as for mutual help, credit, assurance against fire, etc.; and their dignitaries, the *clerotes*, have perhaps given their name to the Christian clergy.

⁴ The two wars of the Jews and the war of Civilis, which had their special causes, must be excepted.

riots against so-called "monopolists," such as have been seen even in our days.¹ During its whole duration the Empire had neither the Servile wars nor the social commotions which had so often deluged the Republic with blood. Cicero, in one of his orations against Catiline,² refers to the conservative spirit existing in the Roman lower middle class; three centuries later Herodian notices the same thing.

Many causes concurred in producing this peaceful spirit. The principal one was this character of a society, aristocratic, and yet open to all, which preserved slavery, but progressively ameliorated the lot of the slave and was already giving attention to the wretchedness of the poor; in which the magistrate was not necessarily an enemy, as he is often considered among other peoples; where, too, respect was preserved for the honors and authority conferred in the name of the majesty of the Senate or of "the divinity of the Emperor," and even for the great families, which were said, or which men wished to believe, to be sprung from the gods. The plebeian was as proud of his historic families as are the common people in England of theirs; he thought that these pontiffs of the city, the province, and the Empire, could offer to Jupiter prayers heard with a more favorable ear.³

It is curious to find still in existence after eight centuries this religious reverence (*pietas*) for the country and family, for the laws and discipline established by a man's ancestors, which we have seen was from the very first the foundation of Roman character. Political revolutions had not been able to destroy this solid social education of ancient Italy.

England is still nearly in this condition: the French nation has ceased to be so; nor have we known how to replace, by a moral discipline in our hearts, that social discipline which has disappeared from the state. The Empire of the Antonines had both: men honored the law; the order established by it was loved; and every man occupied, generally without envy or hate, the condition in

¹ Thus at Prusa, where Dion Chrysostom's house just escaped being burned by the mob.

² *iv.* 7-8; Herodian, *vii.* 2, 5.

³ Tacitus praises Tiberius for having taken the nobility into consideration in the distribution of office (*Ann.* *iv.* 6), and he mentions the case of all the people of Rome taking the part of a great Roman lady against her husband, who was rich but of low birth (*ibid.* *iii.* 22). These feelings still existed in the third century, and even later. Cf. Marquardt, *v.* 249.

which he was born, seeking indeed to raise himself, sometimes by crooked ways or shameful means, but never by outbreak.

The city was completed by certain institutions for teaching and public aid. It had professors for its schools, medical men for its sick; and these professors and medical men were the only functionaries of the city who received fees¹ and had exemption for themselves, their wives and children, from all municipal services,² guardianships, deputations, lodging of soldiers and public functionaries, duties as judges and priests, and even from military service.³ To all these advantages were added the *Mineral*, which scholars paid their masters and which rich patients gave their physicians. This practice was old; Strabo had already stated of the Gallic cities: "They give salaries to physicians and rhetoricians." The Republic had shown no concern for the men whose business it was to care for the mind and the body. On this point, as on so many others, the Empire introduced a new policy. By his decree in favor of physicians and the professors of the liberal arts, Caesar had elevated their social condition and paved their way to wealth.⁴

¹ *Multis in locis : praeceptores publice conducuntur* (Pliny, *Epist.* iv. 13; *Cod. Theod.* xiii. 3, 2 and 3. Σοφιστὰς . . . κομὴ μαθημάτων, καθάπερ καὶ ἰατροὺς (iv. 1, 5). Fronton (1 i *Amic.* 7) seeks to obtain one of these positions for a client. Even women practised medicine. An inscription says: *Juliae Saturninae . . . incomparabili medicae* (De Laborde, *Voy. en Espagne*, vol. i. 2d part, inser. No. 15, and Wilmanns. 241 and 2493).

² The masters of small schools, *qui pueros priuatis literis doceant*, having some other occupation, had no right to these immunities unless they had been appointed by a great society like that of the mines of Aljustrel, which had exempted theirs from all civic offices in order to secure their best services as teachers. Ulpian does not recognize them under the title of professors: *Licet non sint professores* (*Digest.* l. 13, 1, sect. 6). But he recommended the president to be careful that they should not be burdened beyond their ability (*Ibid.* 2, sect. 8). Furthermore, Rome recognized every class of master, — the preceptor, who had often only board, lodging, and two hundred drachmae (Lucian, *De Merc. cond.* 35 and 38), going, like the father of Statius (*Sile.* v. 5, 176) to give lessons in the city, and the one who received his pupils into his house at the rate of five aurei for the school year of eight months (*Schol. ad Juv.* vii. 243). Remmius Palaemon gained by his school a profit of four hundred thousand sesterces (Suet., *Ill. Gram.* 23). The Emperor Pertinax began his career as a professor, but without success (*Capit., Pert.* 1).

³ The deputation, from which physicians and professors were exempt (*Digest.* xxvii. 1, 6, sect. 1), were very frequent and burdensome. At any remarkable event in the life of the Emperors they were sent to Rome; others came to ask the settlement of some difference with a neighboring city when even the matter in question was something quite paltry. We have just recovered a letter from Antoninus to the Coronaeans to thank them for having brought a message of condolence on the occasion of Hadrian's death, and their felicitations respecting the adoption of Marcus Aurelius. Another letter of the same Emperor shows that the deputies of Coronaea had asked him to decide whether certain plethra of pasture belonged to them or to Thibe (*Bulletin de corresp. hellén.* for 1881, p. 456).

⁴ See Vol. III, p. 533.

To Vespasian the honor is due of having created, at the expense of the state, higher literary teaching, by bestowing on certain Greek and Latin rhetoricians a salary of a hundred thousand sesterces, payable by the imperial treasury. Quintilian was the first to receive this salary; and it may be concluded from an expression used by him,¹ that at the end of twenty years these public professors obtained a retiring pension, as the legionary had a right to the veteran standing after a service of equal length. Hadrian and his two successors multiplied the number of chairs supported by the state, and the cities imitated their example. Como, not having any public teachers, sent her sons to study at Milan. Pliny



A SURGEON DRESSING A WOUND.³

regretted this; he called a meeting of the heads of families, represented the need of having a school in the town, engaged to pay a third of the expense, and the school was founded.² Thus by the united action of the Emperor, the magistrates, and individuals, was organized in the cities a new and important service, — that of public instruction, which the Barbarians were never able completely to destroy. At first free, this instruction was by degrees subordinated to public authority, either that of the Emperor or of the

municipal council. In a rescript dated 362, Julian says: "As I cannot be present in every city, I forbid those who wish to give instruction, suddenly and rashly to undertake this function. Let the candidate be examined by the *ordo*, and, with the consent of the *meliores*, let him deserve that the *curiales* should pass a decree

¹ *In prooem. i.* Had public professors from the earliest times public rations (*annona*)? It is probable, since all the administration had them. In 376, at Trèves, the *rhetor* received thirty shares, the *grammaticus Latinus* twenty, the *grammaticus Graecus* twelve (*Cod. Theod. xiii. 3, 11*).

² *Epist. iv. 13.*

³ From a Pompeian painting.

in his favor." A century earlier Gordian had already prescribed this examination.¹ The same plan was followed for medical men.

These liberalities on the part of the Emperors towards rhetoricians, grammarians,² and philosophers did not produce any great literary works, for genius can alone do that; but the advantages granted, or rather officially recognized as due, to physicians show an aspect of the social life of antiquity which has been too much left in the shade. The practice of medicine, at first exercised by magicians or religious impostors, was soon secularized. Hippocrates made it a science; and as it proved lucrative, many followed it. Medical practitioners were found everywhere; medical assistance even became a municipal service. Each Greek city had one or more public medical men who visited the sick in the city and suburbs. Each had also a large dispensary, *iatrium*, where the practitioner, aided by his pupils and slaves, held consultations, performed operations, and distributed the needful medicines. Some beds were also reserved there, — probably for patients who could not be removed, or for persons attacked by very serious complaints.³ The rich being able to be cared for at home, those who needed the aid of the public dispensary were the poor; and we know that in that state of society the isolated poor — I mean without patron and "without brothers"⁴ — were not very numerous. The cities had not, therefore, in order to possess an *iatrium*, to go to the enormous expense which the hospitals of the present day cost; and we may assume that it existed almost everywhere. A precept of



A SURGEON ATTENDING TO
A WOUNDED MAN (FROM
AN ENGRAVED STONE).

¹ *Code*, x. 52, 2 and 7. The word *meliores* signifies in this passage those most fitted to act as examiners, — *probatissimi*, as is said elsewhere. The *ordo* could revoke them, *seu non studentibus prebent*.

² The *grammarians* explained the poets and commented on them; they criticised the texts and explained the rules and methods of the language. The *rhetae* *caus* taught, by the study of the great writers, not eloquence, which cannot be learned, because it is a natural gift, but all the resources open to an orator's use to produce conviction by disposing his arguments in the best order and giving to his discourse the strength of ideas and the ornaments and graces of style.

³ This is inferred from different passages in the Hippocratic treatise *περί ιατρικῆς* (Dr. Dechambre, *Revue archéol.* of 1881, p. 53).

⁴ That is, those who were not members of a college having a mutual benefit fund. See our cap. lxxxiii.

Hippocrates recommends the care of the poor.¹ Inscriptions show that this was followed. One of them is a decree granting a crown of gold to Metrodorus, who, "for twenty years a public physician, has saved many citizens, and now lives in poverty, having refused from them any fees."² The whole city paid a special rate, the *iatricon*, for supplying the expenses of this municipal service. One of the most delicate and generous obligations of the modern practitioner was also imposed on the ancient; summoned into the interior of families, it was his duty, having ears, to hear not, and having eyes, to see not. This professional loyalty is prescribed by Hippocrates.

We see then one half of the Empire well provided with medical help; whence we may conclude that, thanks to the effect of



XENOPHON, THE
IMPERIAL PHYSICIAN.³

example, the other was not without it. The army had its medical staff for the wounded and sick, the *lanista* for his gladiators, the rich man for himself and his slaves, the Emperor for his own person and the numerous servants of the palace. Even the artisans sought to attach to their colleges poor practitioners who would be satisfied with very moderate

fees, and we know from Plautus that Rome had many apothecaries, with shops where they sold their advice and medicines, and where they even lodged some patients.⁴ Augustus increased the privileges which Caesar had conferred on them; and later, the physicians of Rome made part of the administration in an official capacity. There was for each of the fourteen regions of the city a doctor for the poor, whose title, *archiater*, indicates that he had

¹ " . . . Sometimes even you will give your attendance for nothing, πρὸ κενῆ" (*Œuvres d'Hippocrate*, edit. Littré, vol. ix. *Præcepta*, sect. 6). The obligation of attending the poor, of which Valentinian reminds the medical men (*Cod. Theod.* xiii. 3, 8), is not a new duty which he imposes on them, it was one to which they had been always subjected.

² An inscription recently found at Cos is an honorary decree regarding a physician who during an epidemic had particularly distinguished himself by his devotion. Another, discovered at Athens, speaks of several public physicians practising in that city (*Bull. de corresp. Hell.*, 1881, pp. 203 and 205).

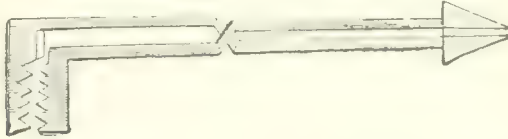
³ Bronze coin of Cos. Xenophon, the physician of Claudius, was under Nero chief physician to the imperial family, ἀρχίατρος τοῦ Κλαυδίου Σεβαστοῦ, before Andromachos, who is stated up to the present time as having first borne this title (*Bull. de corresp. Hell.*, 1881, p. 168).

⁴ *Memoires*, V. v. In the *Aspidochora* and the *Epuloneis* Plautus again speaks of these dispensaries. Cf. Dr. Brian, *De l'Assistance médicale chez les Romains*. [Aristophanes alludes to them at Athens in the fourth century B. C., when ἐμπροσθέν was the technical word for such practice. So Herodotus speaks of Democedes. Cf. my *Social Life in Greece*, chap. v. — Ed.]

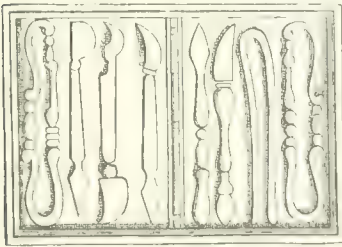
subordinates under his orders.¹ Lastly, we learn that there existed at Rome, at Beneventum, and at Avenches (Aventicum), which was then an important city, *scholæ medicorum*, or places of meeting for the profession. — perhaps also schools for instruction in medicine.²



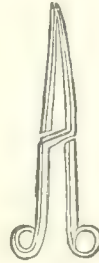
1. LANCEOLATED CAUTERY, WITH TURNED TRUNCATED HANDLE (POMPEII).



2. PINCERS FOR EXTRACTING FOREIGN BODIES FROM THE GULLET (MUSEUM OF ALBUCASIS).



3. BOX OF INSTRUMENTS (BAS-RELIEF OF THE CAPITOLINE MUSEUM).



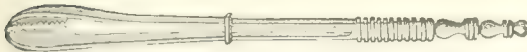
4. FORCEPS (MUSEUM OF ALBUCASIS).



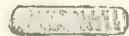
5. BISTOURY (MUSEUM OF ALBUCASIS).



6. CASE OF INSTRUMENTS (POMPEII).



7. SERRATED FORCEPS WITH RUNNING KNOT (POMPEII).



8. A PHYSICIAN'S OR OCULIST'S STAMP.³

It has however been believed that medical assistance could not be obtained in the cities of the Western provinces. If this obser-

¹ *Cod. Theod.* xiii. 3, 8.

² A passage in the *Protagoras* of Plato, where there is a question of a sum of money paid by a young man to Hippocrates of Cos, in order "to become a physician," shows that medical instruction was not gratuitous.

³ Saglio, fig. 1,412.

vation were well founded, we should reply with the remark which will shortly be made, — that the time for the great institutions of benevolence had not come for Roman society, because these institutions were not as yet absolutely necessary. But although the inscriptions which represent physicians as salaried by the Latin cities are not very numerous,¹ there are enough to authorize us in the supposition that medical men were found everywhere.

The juriconsults often make reference to them; they tell us what property was left by them, — collyria and salves, surgical instruments, and apparatus for the preparation of medicines; and also what a terrible responsibility lay upon them. Let one of their remedies kill the patient, and it became to them a matter of banishment or death. This responsibility entailed the obligation, then as now, of the physician signing his prescriptions; and there have already been found more than a hundred and fifty of their seals.

We are confirmed in the opinion that the medical service of the cities was a general usage, from the rescript of Antoninus which has been given under the reign of that Emperor. This rescript is a decree which reorganizes and not one which founds. The institution was sufficiently ancient to have already produced abuses, which Antoninus proposed to repress. When he fixed the number of public doctors which the large, lesser, and small cities were not to exceed, he protected the municipal finances; and by limiting the number of citizens exempted from the *munera* he diminished the weight of the common burdens for the inhabitants. This rescript, addressed to the Greek province of Asia, “applies,” says the juriconsult Modestinus, “to the whole Empire.”² A statement of Galen adds also the fact, that in nearly all the cities was found the *officina medicalis*, the *ιατρεῖον*, without which the public doctor would have found it difficult to fulfil his duty towards the poor.³ After many centuries we have revived this institution, due to the benevolence of Greece.

¹ Orelli, Nos. 3,507 and 3,994; *C. I. L.* v. 37 and 5,377, etc.; Paulus, *Sent.* iii. 6, 62; v. 23, 19.

² *Digest*, xxvii. 1, 6, sect. 2. The same idea will lead Constantine to limit the number of the clergy (*Con. Theod.* xvi. 2, 3, 5, and 6).

³ . . . *ὅν κατὰ πολλὰς τῶν πόλεων* (*Galenī opera*, vol. xviii., *Comm. de med. off.* 1, 8, edit. Kühn).



ANTONINUS PIUS.

From the Villa Hadriani at Tivoli (Museo Chiaramonti. No. 682).

We now see what the often-repeated statement is worth, that charity was unknown to the ancients. To what has here been said, add the mutual assistance given by cities, the subscriptions throughout a province to repair any local disaster,¹ the numberless subventions of the Emperors made to cities desolated by conflagrations or earthquakes, and lastly, the great alimentary institution founded by Trajan, which was imitated by rich citizens in all the provinces, in the depths of Dacia, Spain, and Africa quite as much as in the heart of Italy.² Our legislation taxes the property left by the poor as it does that of the rich: the imperial treasury, less hard and avaricious, released from this formidable tax of the twentieth all property under a hundred thousand sesterces; that is to say, all the small inheritances of those countless Roman citizens established in the provincial cities. Augustus had established this privilege, and Trajan confirmed it.³

It may be said that policy rather than benevolence had inspired these measures. The two ideas were combined in them, as in the case of the distributions of corn made to the people of Rome. Did not Pliny write these beautiful words: "It is a duty to seek out those who are in want, to bring them aid, to support and make them in a sense one's own family"? "There is in life but one beautiful thing," runs the inscription of a tomb, "and this is beneficence."⁴ Christianity says nothing finer.

The idea of charity is clearly shown in the foundations of Antoninus and of Marcus Aurelius. By the distinction given to these measures, the Emperors invited the provincial cities to follow their example; and the cities did not fail to do so. Trajan had already recommended them to economize in the use of their revenues, so that they should be able to succor their poor,⁵ — a recommendation which was soon changed into a command. In order to secure resources for the alimentary institution, the juriconsults

¹ Aristides, *Palin. of Smyrna*.

² See Vol. IV. pp. 265 *et sup.* There are many other examples; thus at Seville, *C. I. L.* vol. ii. No. 1,174, and the inscriptions relative to the *curatores* and *procuratores alimentorum*.

³ Pliny, *Paneg.* 40.

⁴ . . . Quos præcipue scias indigere, sustentantem foventemque orbe quodam societatis ambire (Pliny, *Epist.* ix. 30). . . . ἐν βίῃ δὲ καλὸν ἔργον ἐν μόνον εὐπορίᾳ (*C. I.* i. 3,545). The elder Pliny says, with his usual emphasis: *Deus est mortali juvare mortalem* (*Hist. nat.* ii. 15). See in cap. lxxxvii. sect. 2, the opinions of the philosophers on charity.

⁵ . . . *Ad sustinendam tenuiorum inopiam.*

laid down the principle that the surplus of the municipal revenues should be employed, among other uses, for furnishing food to the poor and instruction to the children.¹ "Donations," says Paulus, "may be made to the city, either for its adornment (*ad ornatum*), or for its honor (*ad honorem*); and among the things which honor a city the most is the practice of giving support to infirm old men and to young children of both sexes."² The decurions who had been ruined in the public service had a right to these allowances.³

While all the curiae did not, like the Emperor in the capital, give corn to the plebs gratuitously or below the market price,⁴ yet many gave the poor man a great advantage by selling to him at the wholesale price, and even lower.⁵ As at Rome a special administration existed for the distributions,⁶ so some of the provincial cities set aside annually a sum to provide for the expense of the *annona*;⁷ and these cities were so numerous that the Emperor Maximin, when at the end of his resources, seized everywhere the funds destined for these distributions. The *Digest* reckons among the ordinary public duties (*munera*) the care of watching over the use of this money and its division among the citizens:⁸ this is one of the duties which Plutarch reserves for the old man whose

¹ *Sine in alimenta vel eruditionem puerorum* (Marcianus, *Ad D.* xxx. 117). The legacies left *ad alendam puerorum* became so numerous that a rescript of Severus reduced them by the Falcidian fourth (*Digest*, xxv. 2, 80).

² *Hec amplius . . . alimenta infirmis acutis, puta senioribus, vel parvis pariterque* (*Digest*, xxx. 122).

³ *Digest*, l. 2, 8.

⁴ See *Digest*, l. 1, 8, and title, 8, 5. The distributions of corn to the poor in the municipia were made under the oversight of the aediles (*Digest*, xvi. 2, 17), who are sometimes styled *cerearii* (Orelli, Nos. 3,992-4). The inscriptions frequently extol the liberality of this or that person, *q(uo) . . . annone populi sumptu subvenit* (Orelli, No. 80). On the distributions of corn or oil in free cities at the expense of individuals, see Orlitz-Henzen, Nos. 718, 1174, 3,848, 5,323, 6,759, 7,175, and Mommsen, *Inschr. Neapol.* 199; Guérin, *Mon. en Tunisie*, 235. Other examples: *C. I. G. N.* 3,831, 2,330, 3,831a. Rhodes had a complete organization for the relief of the poor. They were given bread and work. Strabo (xiv. 2, 5) gives some curious details on this subject. See also an important passage in Saint Augustine (*Civ. Dei*, v. 17), which will be quoted under Caracalla's reign.

⁵ Ulpian, in the *Digest*, vii. 1, 27, sect. 3: *Sed et possessores certum portionis fructuum municipio villiori pretio addicere*. Cf. *ibid.* l. 8, 5.

⁶ *Fiscus fructuarius*.

⁷ *Arca publica, pecunia ad annonam destinata* (cf. Hirschfeld, *Annona*, pp. 83-85, and Kuhn, *op. cit.* i. 46 et seq.).

⁸ *Annonae divisio* (*Digest*, l. 4, 1, sects. 2 and 18, 5).

age compelled him to give up military service. We have just seen that many cities supported medical men for their poor: an inscription shows that charity already was assuming all sorts of forms. An herbalist bequeaths to his successor three hundred pots of drugs, with sixty thousand sesterces, on the condition that the sick poor should receive gratuitously at the surgery meat and remedies.¹ Finally, the new policy, which had imposed on the provincial governors² as a sacred duty the protection of the young, led on to the further idea of being also under obligation to succor the poor, or at least to encourage foundations for their aid. Hence doubtless the readiness of these magistrates to permit, contrary to the law, the establishment of so many colleges whence the unfortunate might obtain from time to time a morsel of bread, and at the last an honorable burial.

The gods set the example. They had their poor, who lived near the temple, at the expense of the sacred treasury, and who were styled in the Island of Cyprus the *gerim*, and in the Greek cities "the parasites of the gods." The Christians imitated this custom; the *matricularii* of the primitive churches were also "God's guests."³

Doubtless, all this is not equal in value to our modern charitable institutions. But among the ancients, these institutions were not so much needed, because agricultural communities, whose whole work is done by slaves or serfs, knew not, except in the great capitals, the formidable proletariat of our industrial communities. In the latter, the workman who lives on his wages is exposed to the disastrous results of being out of work, of illness, misconduct, and idleness; in the former, the master maintains the slave in his house, the *colonus* or the serf on the land that he tills, and their subsistence is as secure as his own. We have seen⁴ that the patron was bound to furnish food to his freedman. Besides, as not long ago in Spain each convent had its own poor, so in the Empire every rich family had its clients, who every morning received their *sportula* or a piece of money, every city had colleges

¹ Orelli, No. 114, in the very small town of Lorina, near Caere.

² *Ne potentiores viri humiliores adficiant, ad religionem præsidis prov. pertinet* (Digest, i. 18, 6).

³ *Acad. des inscriptions et belles-lettres*, report for Nov. 28, 1880.

⁴ *Supra*, p. 367.

furnishing certain help to their members; and there still remained something of the hospitable manners of ancient times, when the guest and the beggar were looked upon as sent by Jupiter.¹ We rightly prefer the poverty which labors to that which begs; but this notion is neither Roman nor Greek, nor even Christian. The institution of clientship, still in full vigor during the period of the Antonines, was, so far as the great were concerned, the price paid for their fortunes. Then also, in the delicious climate which the countries bordering the Mediterranean enjoy, poverty is not, as in the North, a state of actual suffering added to want. The sun there is at half the expense of clothing and lodging; some water and a loaf of bread suffice for nourishment. Now, the municipality furnished the former plentifully, the latter cost but little, and the poor man who did not find these resources sufficient sold himself on certain conditions.² The time for the creation of great charitable institutions had not, therefore, arrived, since they did not make part of the social necessities of the age. We are even disposed to believe that, the Roman family and city being organized as they were, there were fewer persons exposed to death from starvation at that time than now.

The whole municipal system is summed up in two words, which often recur in the language of the juriconsults, — the *honor* of the city, which was the second religion of the Romans when it was not the first;³ the *dignity* of the citizen, which included all the qualities by which a man commanded public respect and esteem.⁴ Under the influence of these two sentiments there were moulded in the cities at this fortunate period men in whose eyes the aim of moral life was dignity of character and conduct, and the aim of social life, the fulfilment of their civic duties: precious virtues,

¹ πρὸς γὰρ Διὸς εἶσαν ἅπαντες | ξείνοι τε πτωχοὶ τε (Homer, *Od.* vi. 207, 208; viii. 546).

² These voluntary sales were so frequent that the juriconsults took notice of "the free man who sold himself" (*Digest*, i. 5, 21); and they are a proof that at that epoch slavery was not always the abominable institution which modern society condemns.

³ Iliny writes to one of his friends: . . . *Quod patriam tuam omnesque qui nomen ejus auxerunt, ut patriam ipsam veneraris et diligis* (*Epist.* iv. 28). The inscriptions often state in reference to donations made by a citizen, . . . *secundum dignitatem coloniae* (Mommson, *I. N.* No. 4,040).

⁴ This expression applies to the state as well as to the individual; and to offend the dignity of the Roman people or its representatives was one of the crimes punished as high treason (see Vol. IV. p. 463).

though easily acquired, which all men might, and many did attain: as, for example, the younger Pliny, and the large number of honorable persons to whom he refers in his correspondence. It has been said that the Germans brought into the world the sense of honor. To that savage pride which is so ready to draw the sword and has been often the only virtue of fine gentlemen, I far prefer the old Roman notions, which moulded citizens whose great ambition was to honor or adorn their city, and men, some of whom, by their own self-respect, have made themselves respected in history.

Since we are seeking the ideas which underlie words, let us further remark that "antiquity" had, besides its usual meaning, the signification of a thing preferred: *Nilil mihi antiquius est*, says Cicero.—"Nothing is dearer to me."¹ From this union of affection and respect for old laws and old usages there arose a pious feeling which was a powerful conservative force,—a force which no longer exists on the shifting soil of modern societies. Says the younger Pliny: "Sages teach me that nothing is finer than to follow in the footprints of one's ancestors,—especially," he takes care to add, "when they have taken the right path."² When we shall have shown that corruption had not invaded these cities so much as is believed, it will perhaps appear that the provincial towns were then in a condition analogous to that of Rome in the best period of the Republic, with laborious habits and much municipal liberty, which indemnified them for the loss of political liberty, about which, moreover, they at this time cared very little. Doubtless in these cities by the side of excellent things were many bad ones,—a religion which had never possessed any moral influence, and a creed passing into superstitions sometimes unwholesome, or satisfied with outward observances: for public amusements, festivals too often licentious or sanguinary; in some houses lawless manners and shameless vice; in many servility, because in a community which was divided into clients and patrons, or, as Martial says, into servants and kings, there were too many ready to beg for the *sportula*, and too many ready to throw it. What gross and odious details in Juvenal, Petronius, Martial, and Lucian, in

¹ Aur. Victor repeats these words. Sallust says also, *tantum antiquitatis reverentia*, which must be translated by "so much reverence and solicitude" (Fronto, *Epist. ad M. Aet.* 3).

² *Epist.* v. 8.

respect to the client, the parasite, and the crafty plotter after bequests; in respect to the baseness of the hungry and the insolence of the parvenu, the latter in their turn cringing before those who had risen higher;¹ and finally, the universal adoration of His Most Sacred Majesty Gold! (*sanctissima divitiarum majestas*.)² But this is seen under other forms and other names at all times, — even among the freest people, who are the humble subjects of the “Almighty Dollar.” — because these vices or infirmities belong to human nature; and in this respect successive generations differ only in having them to a greater or less degree. We do not believe, moreover, that civic liberties would have been able of themselves to save the state. Well-ordered free cities are certainly a good foundation on which to rest the social edifice; these and the wisdom of civil laws contain a promise of prosperity. But if the political laws are bad, they will in the end ruin the civil.

Thus when the municipium of the first centuries, which was a civil person, and in respect to its interior affairs a sovereign state, which had renounced only the right of wielding the sword under the twofold form of war and of capital punishment, regulating its life according to its own judgment, making contracts and assuming obligations, which had its magistracies, its finances, its schools, and its public religious ceremonies, with the most complete religious and philosophic independence; when this free city shall become, by the deadening influence of Church and State, an automatic wheelwork in the immense machine which was to make the Empire a void; when, finally, all things shall be fixed by heredity and administrative formalism, — then the movement upwards will be arrested, the sap will no longer rise from the roots to the branches, and the withered tree will fall.³

We must also add that Christianity, by unceasingly pointing to the heavenly country as the only true one, will cause the

¹ We see by Amm. Marcellinus (xxviii. 4) and Claudian (*In Rufin.* i. 412; *In Eutr.* ii. 66; and *Land. Stil.* ii. 152) that these manners lasted to the end of the Empire.

² Juvenal, *Sat.* i. 112.

³ Already, shortly after the Antonines, Papinian said: *Erigendi tributum munus inter sordida munera non habetur et ideo decurionibus quoque mandatur* (*Digest.* l. 1, 17, sect. 7); that is to say, that there was then no incompatibility between the municipal functions of decurion and those of collector of the tribute for the state. But the decurion was interdicted from farming the imposts of his own city: *Decurio suae civitatis vectigalia exercere prohibetur* (*Dig.* l. 2, 6, sect. 2).

earthly one to be despised; that in changing beliefs it will change duties; that in replacing the legitimate pride of the citizen by the humility of the believer, it will draw away the latter from seeking municipal honors; that, finally, it will precipitate the ruin of the city by the disgust with which it will fill men's minds for institutions grown up around the altars which it seeks to overthrow.¹

But before reaching this point, the municipal system had produced the age of the Antonines. Formerly between Italy and Rome there had been a current of young rich blood which tended unceasingly to renew the exhausted blood of the ruling class. The same exchange had taken place in the Early Empire between Rome and the provinces. Out of those flourishing free cities came forth artists and poets who had given birth to a new age in literature and art; philosophers who, softening the roughness of Stoicism, had exchanged the desire to speak well for that of doing well; lastly, those numerous *gentes* whom Vespasian had taken from them for reconstituting the Roman aristocracy. Then the Senate and equestrian order, whence the Empire recruited its administrators, were filled with men belonging to families who had long been in possession of municipal honors, who were well qualified to transact the affairs of the state after those of the city, and whom the Antonines, themselves provincials, gathered around them to second their own wisdom. This invasion of the high Roman society by the municipal nobility produced a revolution which was doubly salutary. Public affairs went on better for it, and the manners of private life resumed their strictness. Tacitus bears witness to this, and Pliny shows it.

¹ When Tertullian was converted to Christianity he declared that he gave up public affairs (cf. his *De Pallio*). In his *De Idolatria* he required his disciples to discontinue connection with civil society; he condemns every calling which in any degree touched on idolatry, — art, which lived on it, and literature, which spoke of it. He absolutely interdicts Christians from performing *public duties*, permitting only *private ones*; i. e., being present at birthday and marriage celebrations in a friendly family, etc. In his *De Corona militis* he prohibits military service. Yet a rescript of Severus, *eis qui judaicam superstitionem sequuntur* (*D'oeet.* l. 2 §. sect. 3), authorized Jews, and probably Christians, to accept military rank, with a dispensation from the obligations contrary to their creeds. But the Christians, — if they are to be considered, — less tolerant than the Emperor, generally held aloof. The author of the *Lettres de Denys* had already said (cap. v.): "The Christians live in their native land like strangers." When the Church had become mistress of the Empire she sought to attach the faithful to civic duties; but it was then too late. See in the *Comptes rendus de l'Acad. des inser.* 1872, a paper by M. Le Blant on *le détachement de la patrie*.

That no more fortunate period has ever been known to the world is due certainly to the eminent men who in that century reigned like philosophers; but it is also due to that municipal system in which institutions, ideas, and manners all tended to make capable magistrates, prosperous cities, and populations obedient to the law. A close tie at that time united the fortunes of the cities to the fortune of the Empire: the prosperity of the former made the strength of the latter, because the local liberties still subsisting formed men whom political liberty, now suppressed at Rome, no longer formed.

¹ Head of Pallas, with a laurel crown and the letters *PVblico argento*.



SILVER COIN OF THE GENS LUCILIA.¹

CHAPTER LXXXIV.

THE PROVINCES.

I. — PROSPERITY OF THE PROVINCES : PROGRESS IN THE WEST AND ON THE RIGHT BANK OF THE DANUBE.

THE storms which seem to upheave the ocean from its lowest depths in reality disturb only its surface; a few fathoms below, the waters remain tranquil, and the sands are unstirred. So was it in the Empire: the tumults at Rome, the wars on the Rhine, the Danube, or the Euphrates, did not affect the peacefulness of the interior provinces. While there was slaughter in the capital, among the Dacians, or beyond the Tigris, the nations at peace were developing industry and commerce, opening roads and schools, filling their cities with monuments and wealth. The conquered, says Aelius Aristides, congratulated themselves on their defeat, and losing even the remembrance of former independence, amalgamated their own existence with that of the Empire. Men possessed security and well-being: they freely enjoyed the fruits of their labor, and the pathway to honors was open to all.

Plutarch, who had seen so many revolutions make the city of the Caesars run with blood, nevertheless calls Rome "a sacred and bountiful goddess;" and elsewhere "the steadfast anchor which stops and holds firmly human affairs in the midst of the whirlwind by which they are driven along." He spoke the truth: Rome had calmed the world and drawn on herself alone the storms which were yet to break forth. Aristides was a pagan, a worshipper of Aesculapius, and Tertullian a rigid Christian; but both speak in the same way. The orator exclaims: "Men have laid off their iron armor to put on festal garments, and your provinces are covered with rich cities, jewels of your empire, which glitter like

a costly necklace on a rich lady. The land is but one immense garden."¹ The sombre imagination of the Christian brightens at the smiling aspect of the Empire: "The world is every day better known, better cultivated, and more wealthy. The roads are open to commerce. The deserts are changed into fruitful domains; tillage goes on where once forests rose; sowing, where once were seen only barren rocks; marshes are drained, and the flocks fear no longer the wild beast. Now no longer is there any island which inspires horror, nor rocks causing fear; everywhere are houses, peoples, cities, everywhere is life!"² Appian's words are not rhetorical, like those of Aristides; but the evidence of the cool, sagacious historian is the same. He says: "For two hundred years has the imperial system lasted; in that space of time the city has been adorned in a marvellous manner, the revenues of the Empire have increased, and by the blessing of a constant peace the peoples have attained the height of happiness."³

It is easy, in fact, to imagine what the cessation of war during two centuries must have produced for peoples who till then had passed a life of continual fighting, and what prosperity peace developed in the provinces and liberty in the cities. All this the tragedies enacted at Rome tend to conceal, and this we shall endeavor to bring to view.

It is not that the Romans deliberately undertook to become the benefactors of the provincials. It did not pertain to them, as to some modern nations, to connect with the idea of conquest that of the amelioration of the conquered. They had subdued the world from motives of pride and greed, to have no equals, and to gain wealth without giving themselves the trouble of creating it; accordingly, the province in their eyes was before all a *prædium*,—a farm with a fixed revenue; and in organizing it they cared only for securing the tribute from it. All else, municipal liberty and individual security, the independence of some or the subjection of others, mattered little to them. This had been the policy of the Republican Senate; the early Emperors pursued it also. Both were satisfied to have the subject-peoples administer their own affairs,

¹ Aristides, *Paneg. Rom.* in the year 115: . . . ὡσπερ γυναικὸς πλουσίας ὄρμος (*Orat.* xiv. 221). See also his *Paneg. Cyprie*.

² *De Anima*, 30. In the book *Adv. gentes*, he says: . . . *Romanæ diuturnitati, favemus.*

³ *Praef.* 6. Add to this quotation the famous passage in Pliny, *Hist. nat.* iii. 6.

provided they paid the impost with exactness, and that the general good order which guaranteed its payment was not disturbed. Thence proceeded, at least in early days, their disdainful indifference as to local privileges or the semi-independence of cities, tribes, dynasties, or of kings, who sometimes called themselves the procurators of the Roman people and fulfilled the duties of that office. In a word, they intended to govern loftily and remotely, which was to wield a useful sway, and they were quite unwilling to govern in detail, not wishing to be embarrassed with a laborious guardianship. Tiberius, by his vigilance in restraining his proconsuls, exhibited clearly this heartless policy, yet not unwise, which he thus summed up: "A good shepherd shears his sheep, but does not flay them." In this respect Claudius and the Flavii were of his school. The Antonines impressed a new character on the government. They regarded themselves not only as the masters, but as the fathers of the Empire. They ameliorated its laws, they founded charitable institutions, and they were more preoccupied with the happiness of their subjects than with the interests of the treasury. Thus, from different motives, the rulers of the Early Empire acted with beneficence towards the provinces; and this, combined with the advantageous results of the municipal system which we have described, brought that prosperity the proof of which will be found in a rapid survey of the Empire.

Since Augustus the territory held by Rome had been increased by the addition of Britain under Claudius, of Dacia under Trajan, and under Marcus Aurelius of a part of Mesopotamia, — an uncertain and precarious possession, the theatre of continual fighting.¹ With the exception of Britain and the acquisitions of the two Antonines, which were rather outposts than provinces, the successors of Augustus had not passed the limits which Nature itself had fixed for the Empire; viz., the Atlantic, the Rhine, the Danube, the middle Euphrates, the cataracts of the Nile, and the African deserts.

The ancient partition made between the Emperor and the Senate still existed, but new provinces had been formed either by

¹ In his preface Appian, who wrote under Antoninus, puts the frontier of the Empire at the Euphrates, and does not include in it Great Armenia, "which pays no tribute, but receives from the Empire its kings." In the reign of Hadrian I have shown what countries bordering on the Black Sea were placed under the administration or influence of the Romans.

conquests or from the older ones and from allied countries. There were twenty-six under Augustus; under Marcus Aurelius there were forty-five, six of which remained to the Senate.

Thus the number of provinces had been nearly doubled, without the territory having much increased. The fact is, the Emperors had already practised the system, ordinarily attributed only to Diocletian, of dividing the governments in order to diminish the power of the governors and promote the influence of the Empire over its subjects.

Britain, Gaul, and Spain. — Britain formed but one province, so well protected by the double line of defence established by Hadrian and Antoninus that the Piets and the Scots had but rarely disturbed the work of civilization going on there.¹ The toga had everywhere taken the place of the Barbaric *sagum*; temples, porticos, and beautiful villas arose in places where straw huts and Druidic altars had lately stood; and these Britons, the greater part of whom in the time of Augustus knew neither how to till the ground nor to utilize the milk of their herds, were now exporting corn to Gaul. The schools increased with the cities, and the Celtic tongue, like the old manners, fell back before the new language.² The British nobles spoke Latin; the descendants of Cassivellaunus and Caractacus came before the proconsul's tribunal to practise all the rules of Quintilian and rival in eloquent verbosity the barristers of Bordeaux and Autun. "Already," says Juvenal, "Thule proposes to employ a rhetorician;" and Martial was able to boast that his verses, written for the Roman nobles, were read even in that island which was the boundary of the habitable world.³

Some patriots indeed had sought liberty and scope for their resentment in the highlands of the Piets, whence they will descend

¹ Strabo, iv. 200. Britain, till Severus' time, formed but one province, governed by a consular (Tac., *Agr.* 13), who had under him a procurator, *proc. Aug. prov. Brit.* (Orelli, No. 222).

² [The numerous and splendid Roman remains found at York show how luxurious and refined was this great military post in the far north of England. The museum at York in this respect is truly astonishing. — ED.]

³ *Gallia caesareos docuit fœcunda Britannos.
De conducendo loquitur jam rhetore Thule.*

JUVENAL, *Sat.* xv. 111-112.

Cf. Martial, *Epigr.* xi. 111. Yet in the time of Constantine a Gallic orator said: . . . *Latine loqui Romanis ingeneratum est nobis claratum* (*Pan. Vcteres*, ix. 1 Cf. Dieffenbach, *Celtica*, ii. 84).



to make this servile civilization retreat in its turn. But the mass of the nation, except the brave tribe of the Brigantes, joyfully entered upon this new life, and allowed the best of their sons to go and serve afar off in the Roman armies. Thus Britons were in garrison in Pannonia, while Germans came into Britain, in the same way that the Batavi were sent into Illyricum and the Spaniards to the Rhine.

Gaul had more quickly adopted Roman civilization and had made more advance in it. She had received its rays from closer range, especially in that zone of French territory whose shores are washed by the sea and warmed by the sun of Italy. The imperial government, of which Gaul, from its geographical position, formed the most important province, had studied to gain the heart of its inhabitants. In Narbonensis were seven colonies, twenty-nine Latin cities, two allied peoples; in Gallia Comata, ten free peoples, eight colonies, four federated cities, a number of Latin cities, and a multitude of men who had individually received the *jus civitatis*. Lyons had engraved on bronze, that it might always be before the eyes of Gaul, the speech in which Claudius expressed the liberal policy which had made Rome's fortune and the happiness of the provinces.¹ Galba and Otho from interested motives, Trajan and Hadrian from a comprehension of the wants of the Empire, had acted similarly, and Gaul, fortunate in the lot which war had brought to her, never desired to change it. We have seen the part she played in the revolutions of the Empire. From her breast arose the cry of disgust and revolt against Nero; there Galba and Vitellius had been proclaimed, and there also Civilis and Sabinus had erected, before the astonished eyes of the trans-alpine nations, the standard of the Gallic empire: a premature attempt! Gaul herself had deserted her own flag and her provincial Caesar. She had something else to do besides founding royal houses. Her noblest sons aspired to the senatorial laticlave. As regards the people, led on by the general movement towards works of peace, they expended in the search for prosperity that activity which had hitherto been spent on intestine wars. "From being fighters," says Strabo,² "they have become workers." The Druidic

¹ Tac., *Ann.* xi. 23. In relation to the discourse of Claudius, see Vol. IV. p. 535.

² *iv.* 1, 2, and 14.

forests fell under the woodsman's axe, or were pierced by roads which carried light and life into their darkest depths. Everywhere traffic was honored, and already Lyons assigned the same rank to her wine merchants as to her knights and *scrivi Augustales*.¹ The powerful corporation of the boatmen of the Saone and Rhone (*utricularii*) had agents everywhere for the navigation of the Gallie rivers. In the amphitheatre of Nîmes forty places were reserved for them.

Of old the most flourishing cities had sprung up at the points where Gaul touched upon Italy, and this corner of French territory has still more Roman remains than any other of the ancient provinces of the Empire. At Narbonne not a single Roman monument is standing; but one cannot take down a wall or strike a pickaxe into the soil without finding there fragments of friezes, of bas-reliefs, and of tombs which attest its ancient grandeur. By the classic beauty of its daughters, Arles was a Greek city, by the splendor of its monuments, a Roman one. The culture and opulence formerly concentrated in this "Italia Transalpina" had withdrawn from the frontier into the interior, and this change of social activity indicated the general prosperity of the country. Toulouse surpassed Narbo. Nîmes,² adorned by the Antonines or by itself with monuments which still command admiration, eclipsed the old Phocæan city: while the latter, losing its strict manners, gave rise to the saying with which idle pleasure-lovers were in those days taunted: "You are on your way to Massilia."³ Then, as now, commerce was heaping up gold in that city, and this wealth she spent on fleeting pleasures, instead of devoting it, like Nîmes, to lasting works of art. Thanks to her hot-springs, Aix was a resort of the rich Massiliotes and one of the pleasure-cities of the province. Lyons, the ancient metropolis, beheld two rivals growing up, — the city of the Remi and that of the Treviri, whence the governors of Belgica and Lower Germany kept watch upon the Barbarians, as

¹ Orelli, No. 4,020.

² From Strabo's time (iv. 190) Nîmes had more inhabitants than Narbonne. It was in honor of the grandsons of Augustus, Lucius and Caius Caesar, the latter of whom was patron of Nîmes, that the temple now called the *Maison carrée* was erected (see above, p. 62). The edifice is 49 Roman feet high from the ground to the summit of the pediment, — a number regarded as doubly fortunate, since it was the square of 7 (*Rev. épigr. du Midi de la France*, No. 287). Tacitus calls this city *ornatissima colonia valentissimaque* (*Ann.* ii. 24).

³ Athenæus xii. 5.

MAERENPRIMA MO VAILINCOGHATIONEM HOMINUM QVA
AARINE PRIMAM OCCURSUM MIHI PROVIDEO DEPRECOR NE
EVASINOVAM ISTAM REM INTRODUCA EXHORRESCAT SED ILLA
PORTUS COGITETIS QVAM MULTA IN HAC CIVITATE NOVATA SINT
QVIDEM STATIM AB ORIGINE VBIUS NOSTRAE IN QVOD FORMAS
STATVS QVE RES PNCSTRA DEDICTA SIT
QVON DAM RES HANG TENERE VAREAM NEC TALEM DOMESTICIS SVCC
SDR BUS SE AN TRADERE CONTIGIT SUPERVENIRE ALIENI ET QUIDAM EX
ALIA SED TUNG EXTERNVS TAM COMARCITO PRISCVS TARQVINIVS
PROPTER TEMERATVM VANGVINEM QVOD PATRE DE MARATHO
R IN THIGINATVS ERAT ET TARQVINILESI MATREGENOSA SED INO
VIT QVAE TAL MARITONE SSE HARVERT SVCCUMBERE CVAM DOMIRE
BELLE RTURA GERENDIS HONORIBVS POSTQVAM ROMAM AMIOR AVIT
REGVM ADEPTVS EST HVIC QVOD QVE ET FILIONE POTIVEIUS NAM ET
HQ INTER AUCTORES DISCREPAT INSERTVS SERVIVS TULLIVS SI NOSTROS
SEQUIMUR CAPTIVA NATVS OCRESIA SITVS COSC AELI QVON DAM
VENNAE SODALIS FIDELISSIMVS OMNIS QVE EIVS GRASVS COMES POS
QVAM VARIQVAT FORTUNA EXACTVS COM ONNIBVS RELIQVIS CAELIAN
EXERCITVS ETRVRIA EXCESTIT MONITVM CAELIVM OCCVPIET ET ADIVE SVO
CAELIVM A APPETITIVS MUTAT QVOT NOMINE NAM TVSCE MASTARN
EI NOMEN ERAT ITA APPELLATVS EST VT DIXI ET REGVM SVMMAM CVBIR
P FILIATE OPTIMI DEINDE POSTQVAM TARQVINI SVPERBI MORE
VSI CIVILATI NOSTRAE ESSE COEPERVNT QVAM IPSVS QVATIORVM
NEMPE PERTAESVM EST MENTES RECVNIT AD CONSULES ANNVOS MAC
TRATVS ADMINISTRATIONE REPTANSLAT AEST
QVOD NVQVOT OMNEM MOREM DICTATVAE HOC IPSO CONSVLATRIA
RVM VALENTES REPERTVM APVD MAIORES NOSTROS QVON INVA
PRIORIBVS BELLSVT INCIVILLI MOTV DIFFICILIORE AVTERENT
AVT IN ANXILIVM ELERIS CREATES TRIVNOS PLETHA IDIA CON
LIBVS AD OLCEN VIBVS TRANSLATVM INFERVM SONITO QVE PTO
DECVNIBALLI RENO AD CONSULES RVSVS REDITVM QVADIN
RIS DISTRIBVTVM CONSULARE IMPERIVM TRIBVNOS QVEM
COMSVLARI IMPERIO APPELLATOS QVI SENET SEPE OTIONERVM
TVRQVINI COMMUNICATVS POSTREMO CVM PLIBI HOMINES NON IMPER
SOLVM SED AC ERDITOTVM QVOCVE IAM SIN MARKEM BELLA AQVIBVS
COE PERINT MAIORES NOSTRI ET QVOD PROCESSUS RIMVS RERORE NIM
INSOLENTIORES VIDERET QVA SI SSE IACITATIONE MIOIORAE IPRIO
LATI IMPERIVM ULTRA OX CANA MIOI DELOC POTIVS RIVERTACITIA

NOVVS DIVVSAYC PNC DIVET PATRVSVS TI
CAESAR OMNEM FLOREMBIQLI ECOLIARVM AG MVNICIPIORVM BO
NORVM SCULIC ET VIORVM ET LOCIPLEITVM IN HAC CVRIA ESSE VOLVIT
QVID ERGONON ITALICVS SENATOR PROVINCIALI POTIOR EST IAM
VBIUS CVNI HANG PARTIM CENSURAE MEAL AMORARE COE PER QVOD
DI LAPE SENTIAM REBVS OSTENDAM SE DNE PROVINCIALIS QVIDEM
SPUDU ORNARE CVRIAM POTERINT REICIENDOS PATO
ORNATIS SIMA ECCLEOLONIA VALENTISSIMA QVE VIENNENSIVM QVAM
LONGO JAMTEMPORE SENATOKES HVIC CVRIAE CONFERT EX QVA COLO
NIA INTER DAVCOS + QVESTIS ORDINIS ORNAMENTVM VESTIVM FA
MILLARIIS MEDILLIS ET HODIE QVE IN REBVS MEIS DI TINO CVIVS LIBE
REIT VANTVR QVATSO PRIMOS ACTORIDIVM CRADY POSTMODOVAM
ANNIS PROMOTVM DIGNITATIS SVAE INCREMENTA VT DIRM NOMEN LA
TRONIS TACTAM ET ODI LLVD PALAESTRICVM PRODIGIVM QVOD ANTE IN DO
MYM CONSULATVM MINVLLIT QVAM GLORIA QVA SVDIVM CIVITATIS ROMA
NAE BENEFICIVM CONSECVTAE EST IDFM DEFRATRE EIVS POSSVM DICERE
PASE RABILLQVDEM INDIGNISSIMOQVE HOC CASV VT VOBIS VTILIS
SENATOR ESSE NON POSSIT
TEMPS ESTIAM TILAEAS GERMANICE DETEGERE TE PATRIVSVS CONSVLIPIS
QVO TENDAT ORATIO IVA IAM ENIM ADEXTRE MOSTINES GALLIAE NAR
BONENSIS VENNI
TOTECE INSIGNES IVVENES QVOT INTVEOR NON MAGIS SVNT PAFENITNDI
SENATORES QVAM PAENITEI PERSICVM NOBILISSIMVM VIRVM AMI
CVM MEVM INTERIM AGNES MAIORVM SVORVM ALIO BROGICI NO
MEN LEGERE QVOD SI HAEC ITAE SSE CONSENTITIS QVID VTRA DESIDERA
TIS QVAM VT VOBIS DIGITO DEMONSTRVM SOLVM IPSVM VILTRA FINES
PROVINCIAE NARRONENSIS IAM VOBIS SENATORES MITTERE QVANDO
EXLVNDVNO HABERE NOS NOSTRI ORDINIS VIRVS NON PAENITE
IIMIDE QVIDEM REGRESSVS AD VETOS FAMILIARES QVE VOBIS PRU
VINCIA RVMTERMINOS SVM SED DENTRICTE IAM COMATAE GALLIAE
CAVSA AGENDA EST INQVA SI QVIS HOC INVENTVR QVOD RELLOPER DE
CEM ANNOS EXERCVERVNT DIVOM IULIVM IDEM OPO NAT CENTVM
ANNORVM MINIOBILEM FIDEM OBSE QVON QVE MULTIS TREPIDIS RE
BVS NOSTRI SVQVAM EXPERTVM ILLI PATRIMEO DRVND GEN MANIAM
SVB GIGENTITVTAM QVIFTESVA SECVRAM QVE ATTERGOPACEM PRAES
TITERVNT ET QVXDEM CVM AD CENSVS NOVOTVM OPERETIN AD VVE
TOCALLIS AD BELLVM AVOLATVS ESSET QVOD OPVS QVAM AR
DVVM SIT NORISVM CVM MAXIMI QVANI VLSNIHIL VILTRA QVAM
VT PVBLICE NOTAE SINT FACULTATES NOSTRAE EXQVIRATVR NIMIS
MAGNO EXPERIMENTO COGNOSCIMVS

PROXIMI ET CONTEMPORANEO ET SEQUITUR ANTIQVVS ET IYONVS



from Lyons they had long kept watch upon Gaul when that country was still a source of distrust. Vienna, the place of exile for dethroned kings or guilty governors; Autun, with its schools;

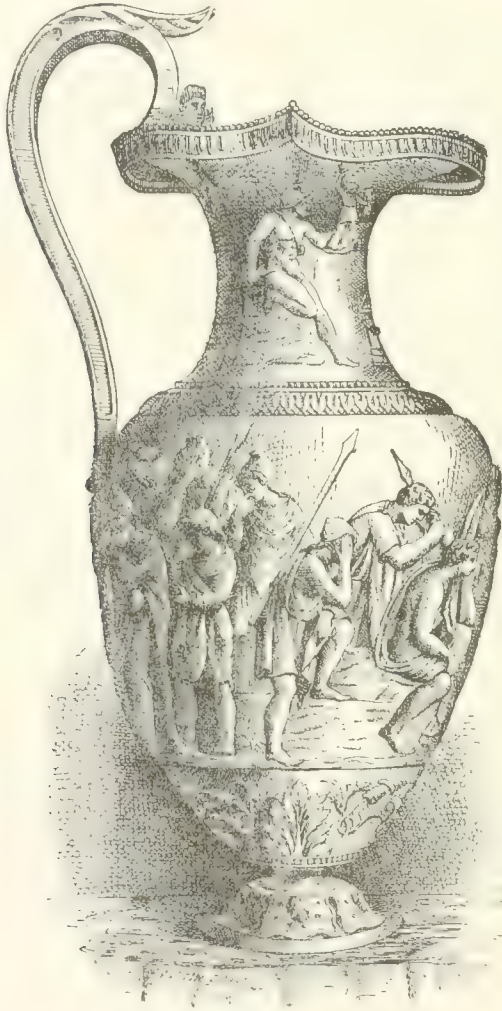


A MOSAIC OF LILLEBONNE.

Arras, with its manufactures of red cloth rivalling the Eastern purple; Langres and Saintes, with their manufacture of *caracallæ*.¹

¹ Cloaks of thick napped coarse cloth, introduced from Gaul into Rome by the Emperor Aurelius Antoninus, who thence acquired the surname by which he is commonly known. In the third century the greater part of the Gallic cities took again the name of their people. Thus *Andomatunum* became *Lingones*, *Augustoritum* was called *Lemovicæ*, etc.

which they exported to the whole of Italy; Bordeaux, the principal port for Spain and the British Islands; Juliobona (Lillebonne, near the mouth of the Seine), where so many Roman remains have been found; and many other cities,—exhibit life extending in



SILVER VASE FOUND AT BERNAY.¹

every direction, in the centre as well as on the circumference, along the Rhine, the Atlantic, and the British Channel, as well as on the coasts of the Mediterranean. Although the Senate had established in Gallia Comata only a very small number of colonies, Roman life had changed the language, religion, and customs, and

¹ *Cabinet de France.*

had spread abroad luxury and wealth. In places but lately desolate, sumptuous villas arose, decorated with rare marbles and mosaics, of which we find traces, and with objects precious from their material and workmanship, like the fine collection of vases from Bernay which a fortunate discovery has restored to us.¹

The Gallic divinities were at this time those of Rome, and the peoples erected to them magnificent temples, such as that whose imposing remains have lately been discovered on the summit of the Puy-de-Dôme. As for the Druidic worship, it had assumed the last form taken by religions before dying out: it was pagan (*paganus*): no longer to be met with except in those remote districts where the last priests of Teutates concealed themselves. Such will be the case with the Roman official religion after Constantine, when Jupiter, in his turn driven out from the gilded *cella*, will preserve only the rustic altar erected by peasants in the depths of the woods. To the honor of Rome, the Gallic conversion took place without violence. The skilful policy of Augustus and Tiberius had therefore succeeded: these Gallic divinities, associated in the same temples with the worship of Rome and the Caesars, had become zealous servants of the Empire.

This attraction of a superior civilization was equally exercised on the Celtic language, which defended itself no better than the Druidic religion had done. Like the latter, it also abandoned the cities and towns, where the affairs of government, justice, and commerce were transacted in Latin, and the descendants of the Gallic bards, now diligent readers of Catullus, Ovid, and Martial, strove to imitate the poets and orators of the sovereign people. Already Rome had inscribed among her great literary names those of the grammarian and poet Valerius Cato, "the Latin siren;" of Antonius Gniphio, who had taught in Caesar's house and counted Cicero among his hearers; of Varro Atacinus, a didactic poet; of Cornelius Gallus, the friend of Vergil; of Trogus Pompeius, the

¹ The Bernay Treasure, found by a laborer in the year 1830 at Bernay (a town in France, in the Department of Eure, on the River Clarentonne, some twenty five miles from Evreux) under his plough, consists of sixty-nine silver articles which belonged to a temple of Mercury, and seem to have been buried towards the end of the third century after Christ. The inscriptions on the articles are as late as that, and go back to the time of Augustus. M. Chabouillet has given in his *Catalogue* a description of all these objects.

first Latin author of a Universal History; of Domitius Afer, the instructor of Quintilian and the most eloquent orator whom the latter had heard, but a man who dishonored his genius by his baseness. Petronius also soiled the Latin muse by his *Satyricon*, an immoral picture of a society whose vices only he points out. But Marcus Afer has had the honor of being taken for the author of a dialogue which bears the name of Tacitus, and later still, under Hadrian, was conspicuous the sophist Favorinus. Favorinus was of Arles, Petronius of Marseilles, Gallus of Fréjus, Trogus Pompeius of the country of the Voconces, Varro from the banks of the Aude, — all from the province of Narbonensis.

Gallia Comata had also poets and orators; but the provincial muses, like the indigenous divinities, remained unknown outside the walls of the city, and the competitions at Lyons were more celebrated for the oddity of their rules than for the renown of the laurelled victors. Southern Gaul, which gave Rome so many men of letters, furnished also generals and consuls, — from Vienna, Valerius Asiaticus, who twice held the fasces; from Toulouse, Vindex; Agricola from Fréjus; and many others.

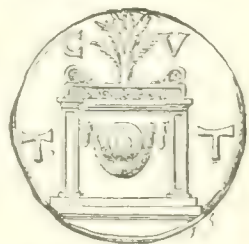
All this labor of hand and head to which Gaul had devoted herself with so much ardor was favored by peace, which since the time of Civilis prevailed on the banks of the Rhine. Barbarism, as if fatigued with having for two centuries expended useless efforts in that direction, had fallen back towards the Danube. Gaul enjoyed, therefore, between the league of the Cherusci and that of the Franks, between Arminius and the first Merovaei, nearly two centuries of respite; and we have seen how she profited by it.

Spain, still better sheltered from the Barbarians, had advanced more quickly along the ways in which Augustus had directed her. To rescue the country from Barbarism, the Romans had early multiplied cities. Pliny reckons up four hundred of importance, not to mention two hundred and ninety-three of subordinate rank; this was five or six times as many as in Gaul. Here, therefore, is one of the most lasting contrasts between the two countries. The municipal system, in fact, took such complete possession of the Iberian peninsula that fifteen centuries have not been able to uproot it. To this day, thanks to these old institutions so perfectly in accordance with the geographical character of the peninsula,

there are indeed in Spain cities and provinces, but how hard it is to form a Spanish nation!

In general, the system of Augustus had the results that he expected from it. Each of the numerous cities was a focus of riches and of light; as early as the time of Strabo, Baetica and a part of Tarragona were quite Latin. We have seen that two Spanish governors successively attained the imperial power, and Vespasian considered it Roman enough to give it the *jus Latii*. We notice under this Emperor the establishment at Merida of a numerous body of Jews, the original stock of this race, which soon rapidly increased in the peninsula. Domitian continued towards Spain the favor of his house. He encouraged the extension of public works, and allowed the younger Pliny to pass condemnation on a governor of Baetica, — who was dreaded, however, at Rome as an official informer. Under Trajan there was a similar example of justice: the property of the faithless governor served to indemnify the victims. Hadrian, who lovingly visited his native land, extended over it his active surveillance, and bore with patience the refusal of a general assembly to furnish levies which he asked to recruit the legions of the frontiers. That fact is important, for it proves the repugnance which the most warlike populations had at that time for military service.

The principal Spanish cities were always, — Italica, the birthplace of two Emperors; Cordova, the Iberian Athens; the coast cities, which trafficked with Italy and Africa; Tarragona, where the deputies of Hispania Citerior assembled, and where Licinius Sura, the best of Trajan's generals, was born; Gades, famous for its five hundred knights, but also for the lascivious dances of its *netionolas*.² Her trading fleets went as far as Senegal, — perhaps farther still; and the city irreverently laid claim to preserve in her temple of Hercules that hero's bones, as Crete showed the tomb of Jupiter.



COIN OF TARRAGONA.¹

¹ C. V. T. T. (*causa Veteris Tarragonae*). An altar surmounted by a palm. Brunsen. (See another coin. Vol. II. p. 210.) The engraving facing p. 132 represents an aqueduct conveying to Tarragona, on a double row of arcades above a valley, water obtained seven leagues away. (Delaborde, *Voyage en Espagne*, vol. i. pl. iv.)

² Mela, iii. 2; Juvenal, *Sat.* xi. 162; Martial, *Epigr.* v. 78. Martial praises Canius, the gay poet of Cadiz (i. 62); he is unknown to us.

We know that Trajan and Hadrian were from Italica; Spain had therefore the honor of furnishing the first two provincial Emperors. This fact implies that it was no longer a mere province, a foreign land. Before placing in the palace of the Caesars Emperors whose family were natives of the banks of the Baetis, Spain had sent to Rome quite a colony of poets and rhetoricians; she had conquered the Eternal City by literature before conquer-



COIN OF ITALICA.¹

ing it by the glorious services of her children. The two Senecas, Lucan, Pomponius Mela, Columella, Quintilian, Martial, Silius Italicus, Hyginus, perhaps Florus, were Spaniards. One recalls the contempt of Cicero for those poets of Cordova who dared to make the Latin muses speak; what would the great orator have said had he seen these provincials now opening

schools and holding the sceptre of the new eloquence? The Senecas rule at Rome; the last of the great Roman poets is their nephew, and it is a Calagurritan who becomes the lawgiver of Latin literature! Elsewhere we shall show the value of this importation from the provinces; here we simply desire to draw this conclusion,—that in the time of the Antonines the education of Spain was completed, and Rome had nothing more to teach her, having given to her all that she herself knew and possessed: social life and the taste for literature, with an immense development of industry and traffic; also, unhappily, her sanguinary amusements, the games of the circus, to which Spain added bull-fights.

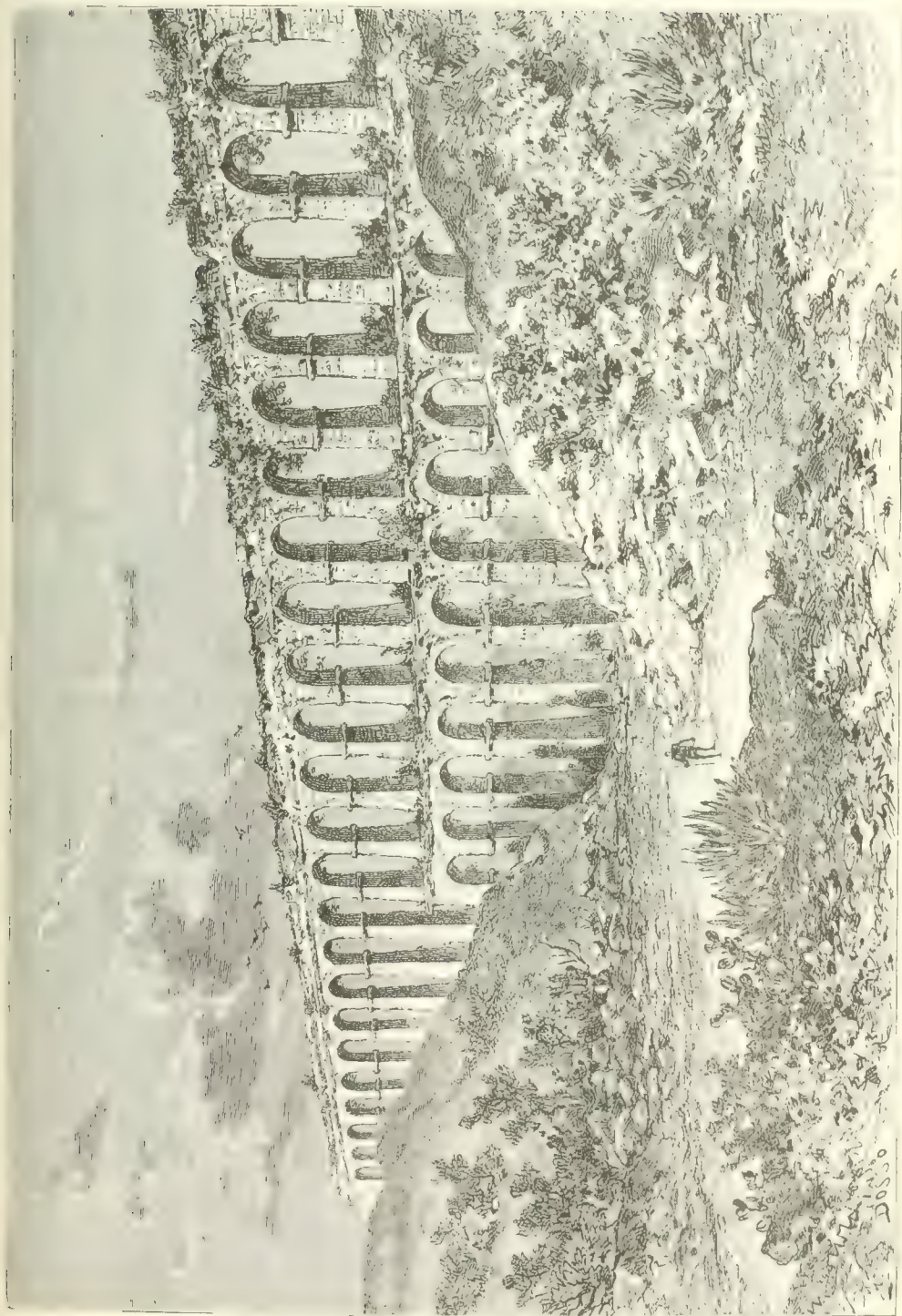


COIN OF
CALAGURRIS.²

The three countries which we have now passed in review were destined later to form one of the four prefectures of the Empire,—the one called by the name of Gaul; for that province from this time forth draws her two neighbors into her own sphere of political activity: and this preponderance will continue increasing as the frontier that she guards becomes more and more exposed to attack.

¹ MVN. ITALIC. IVLIA AVGVSTA. Livia seated, holding a sceptre and some heads of corn. Bronze. (See other coins of Italica, Vol. II. p. 215, and Vol. III. p. 83.)

² MVN. CAL. II VIR. Augustus bareheaded. Bronze.



AQUEDUCT OF TARRAGONA. SEE NOTE 1, P. 131.

Illyricum. --- The mountainous countries which extend from the Alps to the Danube were divided into five provinces, — Rhaetia as far as the Inn; Noricum as far as the Kahlenberg (*Cetius mons*)¹; Pannonia as far as the Save; Illyria and Dalmatia from the Arsia to the Lissus; Moesia from the Drina to the Black Sea. We have chosen to leave to this vast region the general name of Illyricum, which Appian gives it;² for the nature of the soil, the character and civilization of the inhabitants, offer, in spite of numerous differences, general features of resemblance. While Roman life was richly and fruitfully developed in the group of western provinces, on this slope of the Alps and the Haemus, descending to the Danube, towards Germanic and Slavic barbarism, manners were still coarse and violent. There were few cities, colonies, or municipia; but, on the contrary, camps, fortresses, and, among the indigenous tribes, the daily use of arms, made necessary by the neighborhood of the enemy.³

Yet the conquest of Dacia and the transference into that province of a numerous Roman population had opened an era of prosperity for those regions. The noble river now flowing between two Roman banks was to be lined with flourishing cities, and Illyricum was destined to become one of the vital parts of the Empire, because its inhabitants will still preserve their martial habits in the midst of their peaceful industry. Thence, in fact, will arise the only great Emperors (Theodosius excepted) who for a while are to check the decadence of Rome, and the most illustrious of the Emperors of the Later Empire, Justinian.⁴

Rhaetia at that time included all the country of the Vindelici. In order to direct towards the Danube the attention and the

¹ Rhaetia, from the western end of Lake Constance to the confluence of the Inn with the Danube, and Noricum from Passau to Klosterneuburg, near Vienna, had been for a long time governed by procurators, and seem only in the time of Marcus Aurelius to have adopted the organization of provinces administered by imperial legates. Cf. *C. I. L.* iii. 588 and 707.

² Κοινὴ δὲ πᾶντας Ἰλλυρίδα ἡγοῦνται (*Illyr.* 6). Tacitus never gives this name to Rhaetia or to Noricum, but to Dalmatia, Pannonia, and Moesia. Cf. *Hist.* i. 76. and ii. 85, 86, and *Suet. Tib.* 16.

³ *Ractorum juvenis sueta armis et more Romanæ militiæ exercita* (Tac., *Hist.* i. 68).

⁴ Decius was from Budalia, near Sirmium, Claudius II from Illyria, Aurelian from Pannonia, Probus from Sirmium, Maximian from Sardica, Diocletian from Salona, Constantine from Naissus, Justinian from Tauresium, near the Haemus. *Quis dubitat*, says Mamerlinus (*Paneg. ad Marian.* 2), *quin . . . Italia sit gentium domina gloriæ vetustate, sed Pannonia virtute.*

strength of these valiant tribes, too much in the habit of looking towards Upper Italy, which they had long ravaged, the first Emperor had given them as their principal city Augusta Vindelicorum, on the Lech (Augsburg).¹

In Noricum and Pannonia the native race had been almost entirely exterminated by the Cimbri, Dacians, and Romans. However, the deserted lands of the Boii, which were a part of these two provinces,² began to be re-peopled, and Claudius had sent thither the colony of Savaria (Stein-am-Anger), where, as at Lyons, an altar to Augustus was erected, surrounded by statues which represented the other cities of the province.³ A city, Scarabantia (Oedenburg), which in remembrance of some imperial favor bore the surname of Julia or Flavia, served as a halting-place between Savaria (Stein-am-Anger) and Carnuntum, the great Roman post on the Danube (Petronel). A little higher up the river, at Lauriacum (Lorch), a strong garrison and a flotilla defended the entrance to Noricum, and lower down the river Vindobona (Vienna) had already been founded, perhaps by Vespasian. Noreia (Neumark), the ancient capital of the Taurisci, had now ceased to exist; but in its place there were four colonies which the Romans, with their usual skill, had thrown out in front of the Julian Alps, the most vulnerable part of the frontiers of Cisalpine Gaul. One of these, Virunum (Mariasaal, to the north of Klagenfurt), was situated at the point where the roads from Noricum and Pannonia met; the three others⁴ were established in the upper valleys of the Save and the Drave, so as to protect that rich corner of Italy where every year population and wealth accumulated more and more, where before many years Pola attained thirty thousand inhabitants and Aquileia a hundred thousand, and where already five hundred of the citizens of Padua wore the knight's gold ring.⁵

These precautions had not appeared sufficient. In order the better to guard the two grand highways which the Save and Drave open through Pannonia from the country of the Dacians to the Julian Alps, the Romans there doubled their military posts.

¹ Tacitus calls it *splendidissima Rætiæ provinciae colonia*.

² *Deserta Bolorum* (Pliny, *Hist. nat.* iv. 12).

³ Soloea, Celelia, and Emona (Seekau, Cilly, and Laybach).

⁵ Strabo, iii. 169. No city of Italy and the Latin provinces, Rome and Gades excepted, had a like number of knights.

³ *C. I. L.* iii. 525.

Aquincum (Alt-Ofen), on the Danube, and Mursa (Eszeg), on the Drave, were colonized, the latter by Hadrian. The fortifications of Taurinum (Senlin), at the confluence of the Save and the Danube, made this place the advanced post and protection of the great city Sirmium (Mitrovica), situated some leagues behind it. Sirmium, much nearer to the Barbarians than Siscia, now eclipsed Siscia, an old colony and stronghold founded by Tiberius. A military road which was bifurcated at Servitium (Gradiska), sending a branch to the Adriatic, closely followed the Save, connecting with one another the fortresses established on its banks. It is manifest that the Romans had not forgotten the lessons taught them by the revolts of the Pannonians under Augustus and the alarm caused by the Dacians under Domitian.

Pliny, so unequal in his descriptions, is less brief than customary respecting Illyria and Dalmatia. He says this region was divided into three judicial districts, whose chief towns were Scardona and Salona, which have kept their names, and Narona (Viddo). In the first were comprised the Iapydes, fourteen Liburnian cities, of which six enjoyed the *jus Italicum*, and a seventh which had moreover the title and advantages of the *immunitas*. In the second district were the Roman city Tragurium (Trau), celebrated for its marbles, the colonies of Sicum, of Salona, the latter being the principal post of the Romans in Illyria, and lastly, different Dalmatian peoples, divided into 924 decuriae. The third contained three colonies, seven Roman cities, and ten tribes divided into 463 decuriae.¹

This is the first time Pliny mentions these subdivisions, resembling those which existed in Thrace and Cappadocia under the name of *strategie*. As this mountainous region with its numberless valleys possessed few cities, the Romans had further divided these turbulent tribes into small territorial areas, over each of which a native chief was placed, who answered with his life for the preservation of order in his district. To watch them and keep them in bounds, also to deprive them of the sight of the sea, which recalled to these old pirates so many recollections and so many dangerous temptations, a multitude of colonies and Roman cities were placed along the coast between them and the Adriatic.

¹ Pliny, *Hist. Nat.* iii. 26.

Dacia, Moesia, and Thrace.—The administration of Trajan was marked by the same greatness and rapidity that characterized his military enterprises. When he had made the Carpathian Mountains the frontier of the Empire he clearly saw that a few garrisons scattered through that vast province would not be sufficient to hold the Dacians in check, and that Barbarism, though driven back, would return as the victors withdrew; accordingly, he intro-

duced a whole population from the older provinces. In spite of fifteen centuries of misfortunes, the Roumanians at this day number twelve millions of men. Trajan in a few years had done the work of a century.

MOESIA SUPERIOR.¹COIN OF TOMI.²

This vast focus of Roman life established beyond the Danube extended a beneficent influence over the neighboring provinces. Moesia had remained uncultivated and without cities, but civilization in crossing it had let drop some germs of that prosperity which was to be abundantly sown in Dacia.³ Ratiara (Arzar-Palanca), Viminacium (Kostolacz), and Nicopolis, which still keeps its name, soon vied in prosperity with the old cities of Greek origin on the coast, Tomi (Kustendjé) and Odessus (Varna). Before a century had passed, the right bank of the Danube was dotted with cities more in number than it has to-day. Widdin, Sistova, and Nicopolis, its largest towns, are of Roman origin; and from these recently Barbaric regions were to go forth the last defenders of the Empire. Thrace had a bad name; it was called the parent of the nations most to be feared. Accordingly, Claudius had placed it under a double supervision; he had made it a province (46) administered by a procurator, and he had placed this procurator under the authority of the governor of Moesia, who was always at the head of considerable forces. Roman life did not readily take root

COIN OF NICOPOLIS
AD ISTRUM.

¹ P. M. S. COL. VIM. (*Provinciae Moesiae Superioris Colonia Viminacium*). Woman standing between a lion and a bull. (Bronze coin of Viminacium.)

² ΜΗΤΡΟ ΠΟΝ(ΤΟΥ) ΤΟΜΕΩΣ (Tomi, metropolis of Pontus). Jupiter seated. (Bronze.)

³ Moesia formed, from the time of Domitian, two provinces separated by the Cibrus (Cibritza).

there: in all Thrace only three or four colonies existed; but on the coasts and along the great military road which ran from Amphipolis to Byzantium there were very many Greek cities. Vespasian, Trajan, and Hadrian, obeying the impulse which from that period on drew the Empire eastward, had founded or enlarged there several cities. — Trajanopolis (Oriskova?), Plotinopolis (?), and Adrianople, whose site was so well selected that it has continued ever since one of the great cities of Europe.



COIN OF
TRAJANOPOLIS.¹



COIN OF
PLOTINOPOLIS.³

As in Dalmatia, so in the interior of Thrace there were absolutely no cities. The Romans had, however, grouped its scattered population into *strategiae*: a rude copy of municipal life. Before the elder Pliny's time fifty of these were in existence; Ptolemy found but fourteen, — a proof of the progress of urban life in that region.² We have seen a similar growth take place in Spain, and it was the case everywhere: Pergamum had a hundred and twenty thousand inhabitants, Caesarea in Cappadocia, four hundred thousand.

II. — ITALY AND GREECE.

THE difficult work of assimilation which was the aim, the very life, of the Empire, and which remains its justification in history, went on less rapidly doubtless in the valley of the Danube than in that of the Rhine, because the populations were more diverse and ruder there; but it advanced rapidly enough to give ground for the hope that Illyricum would effectually protect Italy and Greece against Barbaric invasions from the North.

Great need of such a rampart had these two ancient queens of the world, whose strength and life were fast failing. Always venerated by the nations, they still see their capitals grow more

¹ ΗΓΕΤΟΝ Α ΜΑΖΙΜΟΥ ΑΥΤΟΥΚΤΗ ΤΡΑΙΑΝΗ. City gate. (Bronze.)

² Pliny, *Hist. nat.* iv. 40; Ptolemy, *Geograph.* iii. 11, sects. 8–10.

³ ΠΛΩΤΕΙΝΟΝ ΠΟΛΕΙΤΩΝ (the inhabitants of Plotinopolis). Minerva offering food to a serpent curled round a tree. (Bronze.)

beautiful year by year: Hadrian has just completed at Athens the temple of Jupiter, and the Flavians and the Antonines have made Rome a city of wonders. But where is to be found the vigorous population who, by arms or by intellect, had subdued



ROMAN STATUE IN THE MUSEUM OF PRINCE TORLONIA.¹

the world? If we except Rome, whither all the beggars of Italy flocked, Southern Etruria,² which had revived under the influence of order and peace, and a few cities along the Brundusian road, which leads to Asia, and on that of Aquileia, the route

¹ *Atlas du Bull. archéol.* vol. xi. pl. xii. The two statues represented on this page and the following were found, the one in the circus of Maxentius, near Rome, the other at the villa of the Gordians, on the Praenestine Way. Some learned critics see in them, in spite of the numerous restorations to which they have been subjected, the expressions of two different phases of art, the one Greek, the other more Roman. Von Duhn says (*Ann. dell' Istituto di corrisp. archéol.* li. 189): *Ciascuno . . . potrà à colpo d'occhio raccisare la differenza tra la forza e naturalezza greca e l'eleganza ed artificiosità del lavoro romano.*

² Canina, *Ann. dell' Instit.*, 1837, p. 62, and Dennis, *Etruria*, i. 204-210. As regards the prosperity of Etruria under the Empire, see chapter lxxv. *ad finem*. In the Roman Campagna the cultivator was not everywhere driven away from these fruitful plains by the malaria, which was still here and there kept down by the system of underground drainage which the early inhabitants had organized. The mephitic atmosphere of this region is caused by the numer-



TRIUMPHAL ARCH AT ANCONA.

to the Danube, what was there apart from the Flaminian and Appian Ways? Every day desolation was extending. For one city prospering, how many were there on the decline? Capua, Otriculum, Tuder, Rimini, Bologna, Verona, and Pola, did indeed



GREEK STATUE IN THE MUSEUM OF PRINCE TORLONIA.¹

build amphitheatres, the ruins of which astonish and charm us;² Ferentinum, a theatre; Beneventum, Ancona, Rimini, and Susa, triumphal arches which are still standing.³ The sulphur springs

ous deposits of stagnant water which remain just below the level of the ground in Rome and its Campagna, from which under a burning sun disease-germs (*bacilli malariae*) are set free, so numerous that the laborer collects them in the drops of sweat which cover his face. Man escapes their influence on any ground a few yards higher than these subterranean pools, whence the water never drains off because their basins are formed of an almost impermeable tufa. For this reason the Romans reclaimed the soil by means of subterranean channels, one of which, found in modern times and put in a state of repair, has cleared the neighboring lands of their stagnant waters. See Tommasi-Crudelli, *Sur la distribution des eaux dans le sous-sol de la Campagne de Rome* (*Mém. de l'Acad. des Lincei*, 1880), and for the *cuniculi* of the Pontine Marshes, De la Blanchère, *La Malaria de Rome et le drainage antique* (in the *Mélanges de l'École française de Rome*, fasc. i.).

¹ *Atlas du Bull. archéol.* vol. xii. pl. xi.

² That of Pola (facing p. 140), eighty-two feet high, measures two hundred and ninety-five feet in its greatest diameter, and is of rare elegance.

³ Except Ancona and Susa, all these cities are situated on the Appian and Flaminian Ways or their extensions.

of Gabii had caused that city to recover more than its ancient prosperity: in its ruins has been found, among many other works of art, one of the most beautiful statues of antiquity, the Diana which bears its name. But what had become of Magna Graecia, the central region, and those twelve hundred cities of which the ancients speak? A sepulchral stone has been found, on which is carved the figure of a lion, and beneath it the name of an Italian soldier; this is all. Such was Italy destined soon to become,—an

empty tomb beneath a grand figure!

We have seen¹ the sad picture drawn by Columella of the plains of Italy less than a century after the *Georgics* of Vergil; notwithstanding his urgent appeal, very few had returned to the plough, and the large land-ownership had continued its struggle against the small. But why had not this new condition of landed property at least saved Italian agriculture and produced in the peninsula the same prosperity which it has caused in England? It is because in England the landlords long held in check by their tariff the competition of foreign corn, while policy obliged the Emperors to give up the Italian market to the importers of corn from Africa,

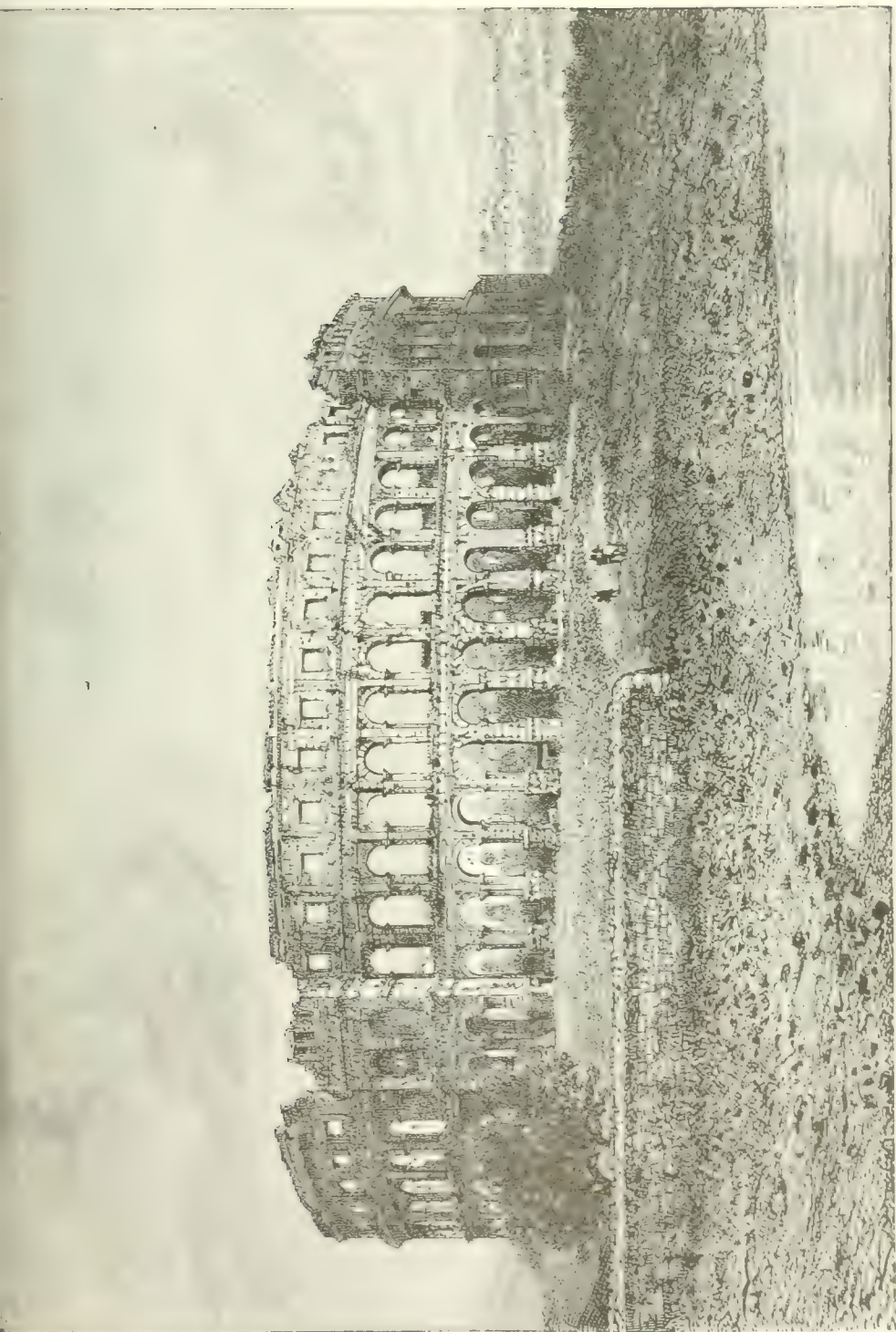


THE DIANA OF GABII.²

Sardinia, and Egypt. England, moreover, has three sources of wealth,—manufactures, commerce, and agriculture, all of which are turned to the profit of its aristocracy, because after having

¹ Vol. IV. p. 34.

² Parian marble statue, discovered in 1792. Museum of the Louvre.



RUINS OF THE AMPHITHEATRE OF POLA.

made them available by its intelligence, it supports them by its capital. The Italian aristocracy had but one, — land; and the reason has just been given why it would have been ruinous to make this land arable. The people fed as it could on some meagre harvests here and there. Now the population is always in proportion to the means of subsistence; the latter being insufficient, the former diminished. Facts in political economy therefore explain the continuous decadence of Italy at the very time when the provinces were prospering around her.

Greece was even more unfortunate. To people Nicopolis, Augustus had brought together the inhabitants of all the neighboring towns. The foundation of a single city had ruined two provinces: Acarnania and Aetolia were deserted.¹ In many parts there was no other rural industry than the rearing of horses, — a sure sign that the population was neither rich nor numerous. This did not, however, arise from any harshness on the part of the imperial government towards Greece; it had secured to that country a profound peace, and in return for the applause that Greece had given him, Nero had even freed her from imposts. Vespasian thought, it is true, that the recompense exceeded the service; and taking occasion from some disorders to say that the Greeks had unlearned liberty,² he again placed them under praetorian authority, — a fact which Plutarch was

COIN OF STOB³

still lamenting in the time of Hadrian. However, the Flavian Emperor allowed to exist in Macedonia, Epirus, Achaia, and the Isles, ten colonies, sixteen free states, two cities exempt from tribute, a Roman city, Stobi, near the confluence of the Axios and the Erigon; and, as in the days of liberty, the Amphictyons continued to meet at the sanctuary of Delphi, while Olympia also kept its festivals.⁴

¹ Strabo, vii. 325. I do not speak of Sicily, which formed a province, nor of Corsica and Sardinia, which formed another. But while the whole of Sicily had the *ius Latii*, the entire Sardinian territory was *ager publicus*, and had consequently to pay the tithe of its harvests.

² Ἀπομεμαθηκέναι τὴν ἐλευθερίαν τὸ Ἑλληνικόν (Pausan., vii. 17, 14).

³ MNICIP STOBENSIVM. Upright figure, with turreted head, holding a Victory and cornucopia; on the earth, a helmet, cuirass, and buckler. (Bronze.)

⁴ Beulé, *Le Péloponèse*. Three inscriptions which he quotes show that the priestly functions were still in exercise in the third century.

It was not then a considerable share of liberty and of order that was lacking to Greece, it was in men that the country was deficient.

In a passage of the *Histories* of Polybius which we may well consider, this wise statesman seeks the causes of the ruin of Greece. He does not accuse, as a vulgar mind would do, fortune and the gods, but the people. He says: "We have had neither an epidemic nor war of long duration, and yet our cities are depopulated. We do not charge it to the gods, and we will not consult the oracles; the remedy, like the evil, is in ourselves. In our cities, from debauchery and sloth, marriage is avoided; and if children are born of transient unions, only one or two of them are kept, in order to leave them as rich as their parents. But let sickness strike down one of these children and war the other, and the house is left childless. Thus have our cities perished."¹ And unhappily we may say as he does: "Thus is our country depopulated." A singular similarity between two so different civilizations, in which the same anxiety for comfort has produced the same effects!

The evil pointed out three centuries before by Polybius had only gone on increasing. That which was then true of Greece becomes true now of Italy. We see the rewards promised by Augustus to the heads of numerous families, but in vain: all failed against the selfishness of these nobles who now lived only for pleasure. Shameful vices, the plague-spot of the East in all ages,² and the credit which, even with important personages, a fortune without heir secured, increased daily the number of men who avoided the duties of paternity. Among those even whom the law condemned, some avoided its stroke and usurped the privileges reserved for useful citizens. The unmarried were seen claiming a place of honor in the theatre in virtue of the *jus trium liberorum*; so that the law (*Julia Poppaea*) was found to have put at the Emperor's disposal one privilege the more for the reward of egotism and vanity. "Now," says Pliny, "we boast of having barren wives, and not even an only son is desired." "A man denies his own," says also Seneca.³ "Children are abandoned," adds Tacitus.

¹ Polybius, xxxvii. 7.

² Cf. Zumpt, *Ueber den Stand der Bevölkerung und die Volksermehrung im Alterthum*, pp. 14-16.

³ Pliny, *Epist.* iv. 15; Seneca, *Consol. ad Marc.* 19.

This conduct of the higher classes turned against themselves: they perished by their own vices more surely than by the hand of the executioner; between the time of Caesar and that of Marcus Aurelius nearly all of the most illustrious houses had ceased to exist. In vain had Caesar and Augustus created new patricians; under Claudius these had already disappeared.¹

One of the causes of the colonial power of England is certainly her fecundity. She is rich in men, and her population, growing up like the thick close grass of her meadows, overflows unceasingly by all the great highways of the world upon America, India, and Oceania. Thus Ancient Greece had spread itself over all the borders of the Mediterranean, and Italy over the countries of the West. But in those countries whence so many colonies had emigrated there was now a dearth of men, *ὀλιγανδρία*, according to the expression of Polybius; and as man is the best and surest productive agent, — and this was specially the case in ancient times, when machinery did not replace him, — when man failed, all failed. “The Greece of our days,” says Plutarch, “would be unable to muster three thousand hoplites.”² That is the number of soldiers which the city of Megara alone had furnished against the Persians.

Besides all this, the Hellenic genius, like a river reducing its own volume by spreading in a thousand little channels, had become enfeebled and inefficient by its own expansion, and Nature herself, growing unfriendly to her favorite race, no longer gave great men to Greece, because circumstances now made life too easy there. The race that formerly took delight in following the masters of thought upon those lofty heights bathed in the light of the ideal, were now occupied in selling or hiring out, at a good profit, what remained to them of the intellect or the art of their fathers. Daily from Hellas or from Asia some contractor set out for Rome ready to supply education or pictures, poetry or statues, philosophy or religion. Slaves born in Asiatic Greece were numerous in the capital of the Empire: but these men of pliant disposition and smooth speech did not remain in servitude. Soon enfranchised.

¹ . . . *Nec ideo conjugia et educationes liberum frequentabantur, præcædente adulescentia* (Tac., *Ann.* iii. 25; xi. 25).

² Plutarch, *De defectu oracul.* 8. Some cities, however, had increased: “Tithorea, in Phocis, was not at that time so considerable a city as it is now” (*Ibid.*, *Scythia*, 21).

they governed their master,¹ and when the latter was an emperor they governed the Empire.² Thus in France for the last eighty years the clever speakers from our southern provinces have made our revolutions and our ministries. Artists or rhetoricians, physicians or astrologers, freedmen of a grand house or artisans in humble life, all these Greeks understood wonderfully how to utilize the Roman by ministering to his national vanity. As the Bedouin in his rags has only disdain for his French rulers, so the Greek in his heart scorned those minds, which to him seemed dull, and those heavy hands which had enslaved his country. From Dionysius of Halicarnassus to Libanius, not one Greek speaks of Horace or Vergil.³

On the contrary, with what ardor on the shores of the Tiber, where so many Greeks taught, and on the banks of the Ilissus and the Meles, did they repeat the great names and heroic deeds of their ancestors! Lost in the immensity of the Roman Empire, they made it their work to keep alive the memory of their native land. They celebrated, as in the time of Aristeides and Cimon, on the anniversary of the battle of Plataea, the festival of the Deliverance,⁴ and the warriors of Marathon were as well remembered in their tombs as on the day when Demosthenes swore by their glorious death. At Delphi the *soteria* recalled the victorious repulse from the temple of the Gauls, pierced by Apollo's arrows. Eleusis preserved her mysteries, which Claudius desired to transfer to Rome. Sparta had no longer a Leonidas, but she had still her bloody sacrificial games. After a long indifference there was a return of pious fervor for the national religion and glory. Ancient

¹ Cf. Juvenal, *Sat.* iii. 57-114. This descendant of the Volsci did not like the Greeks. "The city has become Greek," says the poet, "and that I cannot tolerate. From Sicyon, from Andros, from Samos, from Tralles or Alabanda, imported to Rome by the same wind that brought the plums and figs, they swarm to the Esquiline, destined to be the very vitals and future lords of great houses. They have a quick wit, desperate impudence, a ready speech. The hungry Greek has brought with him whatever character you wish, — grammarian, rhetorician, geometer, painter, trainer, soothsayer, rope-dancer, physician, wizard; bid him climb up into heaven, he will do it. In truth, it was neither Moor, nor Sarmatian, nor Thracian that got him wings, but one born in Athens" (*Ibid.* iii. 69-80).

² The most famous of these freedmen of whom we have just spoken are, Callistus under Caligula; Narcissus and Pallas under Claudius; Polycletus, Doryphorus, and Helios under Nero; Icelus under Galba; Asiaticus under Vitellius.

³ We must except Plutarch, who had lived at Rome and who once quotes Horace (*Lucullus*, 39).

⁴ Plutarch, *Aristeid.* 21



1. Sacrifice.

2. Purification.



3. End of Initiation.

ELEUSINIAN MYSTERIES.¹

Greece was discovered as fifty years ago we discovered the Middle Ages; and Hellenism, eclipsed for three centuries, began to exer-

¹ Copied from a vase discovered a few years ago in the tombs of the freedmen and slaves of the Statilian family (the early days of the Empire). The engraved representations around this vase are the same as those of the marble bas-reliefs and terra-cotta friezes which decorated ancient buildings, of which a number are preserved in the Campana collection. The circular bas-relief is composed of three groups, which represent three successive parts of the sacred ceremonies, — 1, the neophyte, assisted by a priest, offers the goddesses of Eleusis the preparatory sacrifice of a young pig; 2, the priestess places on his head the mystic vase (he is seated, veiled, with his feet placed on the skin of a ram), — the rite of *catharsis*, or purification; 3, Demeter and her daughter admit him to caress the familiar serpent, — the rite of the *epopteia*, the crowning of the initiation. (Communication of the Comtesse Lovatelli, presented to the Institute by M. Heuzey, 13th June, 1879.)

cise a new influence on the world's ideas. Thanks to her renown and to her monuments, over which six centuries had passed already without tarnishing their youthful splendor, Athens, in spite of her poverty,¹ became once more, after a long silence, the city of Minerva. Again she had her clamorous schools, and artists in the suite of Emperors thronged within her walls. On entering into this ancient sanctuary of intellect, the philosophers cried out: "Let us here bend the knee!"² Hadrian has just completed the work of Pericles, — the temple of Olympian Zeus; and for what does Pausanias, who at this very time is exploring it, seek on this ancient soil? The traces of gods and heroes. He forgets the miseries of the present, to tell of that famous past by which live the heirs of Homer and of Leonidas.

Thus in the European possessions of the Empire we have three groups. — the countries of the North, which are awaking to social life; the western provinces, which enjoy it fully; the central regions, which are growing poor, decayed, and silent. This is the modern movement beginning, the life which leaves its place and moves northwards, as if to challenge Barbarism to fight that great battle which will cause the ancient civilization to be lost to view until the distant day when it shall emerge, stronger and better, from under the ruins which the Germans heaped upon it.

III. — AFRICA AND THE EAST.

ON the other side of the Mediterranean lay the six African provinces, — Egypt, Cyrenaïca, Africa proper, Numidia, and the two Mauretanas. These provinces formed two distinct groups, separated by the deserts of the Syrtes, — on the east, Cyrenaïca and

¹ The Romans had left her several tributary islands and cities, — Oropus, Haliartus, Salamis, Lemnos, Imbros, Paros, Seyros, Ios, Sciathos, Ceos, Peparethus, Delos, and Cephallenia. Yet the city was so poor that in the second century A. D. she endeavored to sell Delos (Philostratus, *Vitæ Soph.* i. 23), and had to give up incurring the smallest expenses (A. Dumont, *Popul. de l'Attique*, in the *Journal des Savants*, December, 1871); and in the third could not continue working the mines of Laurion. By the computation of M. Dumont (*Ephébie attique*), its population under the Antonines did not reach twelve thousand. Horace in the time of Augustus had already said of it . . . *vacuas* . . . *Athenas* (*Epist.* II. ii. 81).

² Philostratus, *Vitæ Soph.* ii. 5, 3.

Egypt; on the west, the country of Carthage, the Numidians, and the Moors.

It was by way of Carthaginian territory that the Romans had first seized on Africa. They had so firmly established themselves there that Tunis is still covered with the ruins of their cities; and many of these ruins are among the most imposing that remain to us. The amphitheatre of Thysdrus recalls that of Vespasian, and equals in grandeur, with perhaps more elegance, that of Verona.¹ Formerly it was crowded by the population of a great and wealthy city; now all the *gourbis* of an Arab village live in its shade. What vigor had this municipal system, which could erect such colossal buildings on the very edge of the desert!

From Africa proper the new manners had spread through the neighboring countries. To hasten the transformation of these regions, Augustus and his successors had founded numerous cities in the two Mauretanas, even as far as the Atlantic coast, but facing Baetica, whence encouragement and help came to them.²

This attempt had been unsuccessful, or perhaps Augustus hoped to make more progress by giving the charge of this important affair to a native chief; he relinquished Mauretania to Juba. This learned king, to whom Athens erected a statue, employed a reign of fifty years in spreading among his people the taste for Roman manners. His capital, Iol, or Caesarea, now called Cherchel, was an Italian city. This prince, one of the *reges inservientes* of Tacitus, was more useful than a proconsul in preparing the way for the imperial domination. Caligula took away the kingdom from Juba's son (40), and Claudius divided Mauretania into two provinces, — Tingitana and Caesariensis, separated by the Malva, which river is now the frontier between Morocco and the French province of Oran.⁴



COIN OF CAESAREA.³

¹ Its greatest diameter is 492 feet, its smallest 436, and its height 115; that of Verona is 505 long by 413 broad. See Guérin, *Voy. arch. dans la régence de Tunis*.

² Otho rendered this action more direct by placing Mauretania Tingitana under the jurisdiction of the governor of Baetica. Augustus had already made the same arrangement for Zilis: *Zilis jura Baeticam potere jussa* (Pliny, *Hist. nat.* v. 1).

³ Head of Africa covered with an elephant's skin. On the reverse, CAESAREA under a dolphin. (Bronze.)

⁴ The two Mauretanas, which extended from the Atlantic to the Ampsaga (Oued Roumel, or Oued-el-Kebir), were several times united under a single procurator, who commanded different corps of auxiliary troops. Marcus Turbo seems to have held this command under Hadrian.

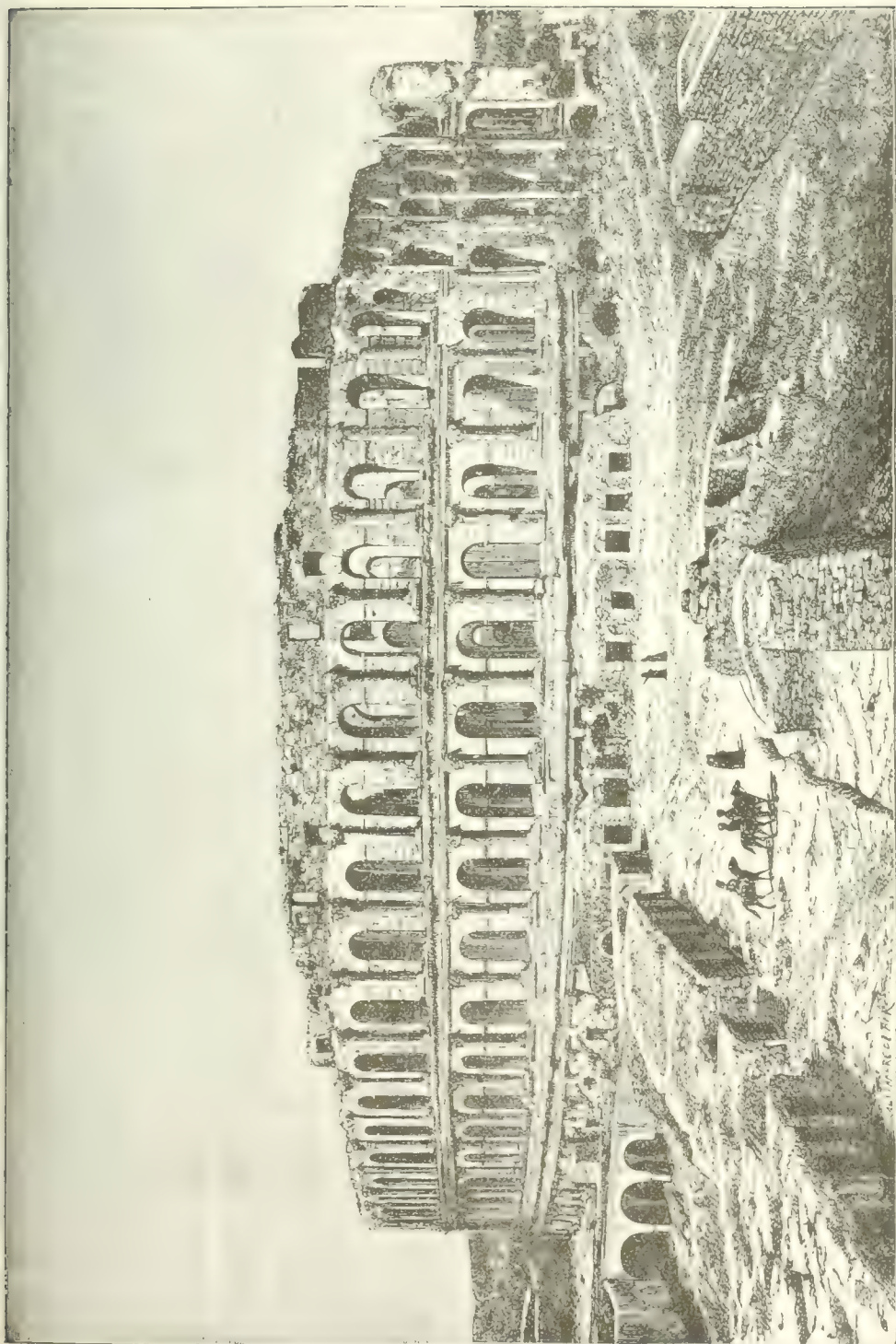
From that time the whole of North Africa formed part of the Empire.

For a century and a half, therefore, the influence of Rome had preponderated in Africa, — for nearly two centuries if we go back to Scipio Aemilianus; for two centuries and a half if we date from the battle of Zama. Nothing great can be done without time. We do not sufficiently consider this in our unjust complaints concerning the slowness of the French progress in Algeria, — we, who take the place of Rome on that coast where Carthage, Masinissa, Bocchus, and Juba labored for her, and where for us there have been greater obstacles and no assistance.

Still, it was not without resistance that this race succumbed. History has not preserved an account of all the wars which had to be undertaken to stifle the protests against a foreign yoke. We know only the expeditions of Suetonius Paulinus, who crossed the Atlas, and of Geta, who pursued the Moors as far as the Sahara. The revolt of Tacfarinas is better known, thanks to Tacitus. Although this leader did not possess that religious aid which the Marabouts employ against the French, he held the troops of Tiberius in check for seven years, and deserved to have his name associated with those of the heroes of national independence in the first century of the Caesars, — Civilis, Sacrovir, Simon ben Giora, Caractacus, and the dauntless Boadicea.

This war had extended from Sitifis, which was its centre, to the country of the Garamantes, whose king made his submission after the death of Tacfarinas. This did not, however, relieve the province from all disquietude. The tribes of the Sahara, the Musulames and Getuli, for a long time tried the patience of the governors. To make the work of repression quicker, while at the same time weakening the too great power of the proconsul of Africa, Caligula deprived this governor of the army and gave it to an imperial legate. The same anxiety had led to the prohibition of the residence of state criminals in Africa; for the tranquillity of that province, which gave Rome abundance or dearth, — that is to say, the content or the displeasure of the Roman people, the security or the anxiety of the Emperor, — was too important not to be protected by all the prudential means possible.

Vespasian, whose wife was the daughter of a Roman knight



THE AMPHITHEATRE OF THYSDRUS (EL-DJEM); PRESENT CONDITION.

living at Sabrata, doubtless felt the same solicitude for Africa that he did for the other provinces; but all we know of his administration is the despatch of a colony to Icosium (Algiers). The pacification of Tripoli, which was begun by him, was completed under Domitian, who in order to put an end to the plunderings of the Nasamones, exterminated the greater part of them. Hadrian and Antoninus had to repress some commotions of the Moors; and under Marcus Aurelius we have seen the tribes of the Atlas start up and respond to the voice of the Barbaric world, which arose in confused clamors on the banks of the Danube.

Three causes rendered these revolts inevitable. — the natural features of the country, which offered so many secure retreats: the government by natives, from which Rome almost always derived considerable advantage, while at the same time it had its dangers, because the fidelity of the national chiefs was occasionally shaken;¹ lastly, the custom of carrying arms, which the Moors preserved. We have already seen that the provincials on the banks of the Danube had the same military habits; but the latter were kept in check by the nearness of the enemy. The Moors had to fight only with wild beasts; and these hardy hunters of the lion often forgot that master of the forests and hunted men instead.²

But Africa has never belonged to itself, because it has no geographical centre. These revolts would remain, therefore, without serious consequences



COIN OF BOCCCHUS II., WITH A HORSE
AND ITS RIDER ON THE REVERSE.³

until the time when they were supported by a foreign conqueror. Up to that time the organization given by the Romans to Africa sufficed to hold it. It is true that this organization was worthy of their usual skill.

Rome had a double interest in establishing herself on that coast. The first was to forge there the last ring of the chain which she had thrown around the ancient world, and to enclose the Mediterranean within her territory. Formerly a Carthaginian general forbade the

¹ Under Hadrian, a Moor who had been made consul had instigated or furthered the risings of this province. Cf. above, p. 8.

² Herodian and Zosimus say that the Moors were always armed with their arrows.

³ On the obverse, the head of king Bocchus II.; on the reverse, a horse with a rider without bridle; in a cartouche, letters signifying: "To Bocchus, the kingdom." (Bronze.)

Roman sailors to dip their hands in the Sicilian Sea; now it is the Mediterranean in its whole extent whose shores Rome will not suffer to be trodden by a hostile foot. Her second object was to employ for her own advantage the riches of the African continent.

These riches were very various. Tingitana doubtless exported then, as now, cattle to Baetica; but the Romans obtained thence only tables hewn whole out of those gigantic primeval trees which



grew in the magnificent forests at that time covering the foot of Mount Atlas.² Of Numidia, Pliny gives the inventory in two words; he says: "Fine marbles and wild beasts." He might have added, horses incomparable for swiftmess, if not for beauty of form. Mauretania had on the reverse of her coins a horse without bridle, and this inscription has been found:—

"Daughter of the Getulan Harena,
Daughter of the Getulan Equinus,
Rapid as the winds in their course,
Having always lived a virgin,
Speudusa, thou dwellest on the banks of Lethe."³

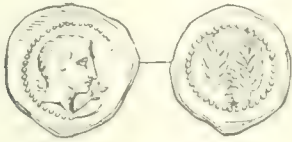
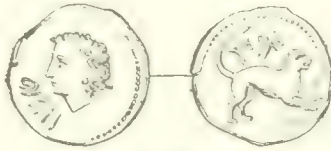
In Byzacena, where the increasing dryness of the climate has made the soil somewhat less fertile, corn returns a hundredfold;

¹ Fragment of the mosaic of Pompeianus, found near Constantine. The inscription signifies: "Whether you win or not, Polidoxus, I shall always love you."

² Tingitana also furnished elephants for the circus (Pliny, *Hist. nat.* v. 1); none are found there now, but the entire character of this coast has changed, and the mountains are no longer covered with forests. Traces of large rivers, of immense spaces which were covered with water, are seen there, and the proofs of a formerly luxuriant vegetation. Rabbi Mardochee found in 1875, south of Mogador and very far beyond Cape Ghir, fertile regions, ancient ruins, and tombs with carved figures, doubtless anterior to the Mohammedan era (*Bull. de la Soc. de Géogr.* January, 1876).

³ Orelli, No. 4,322.

thus Africa was represented as a girl with her two hands laden with heavy corn-ears.¹ The fruitful soil of Byzacena and Zeugitana extended into a part of Numidia: the Arabs still call the plains lying between Setif and Constantine "the gold country." Hence it was easy to interest the Numidians in agriculture; and Rome

COIN OF ZILIS.²COIN OF HIPPO REGIUS.³

did not fail to do it. As regards Mauretania, the part which formed the basin of the Malva was sterile; but at its western extremity, where it had been attacked by Augustus, the country was almost equal to the two neighboring provinces.

COIN OF HADRUMETUM.⁴COIN OF THAPSUS.⁵COIN OF LEPTIS MINOR.⁶

To possess this rich territory, Rome was not satisfied with holding simply the African coast by the maritime cities; this restricted occupation was regarded in the same light then as it is at present. She penetrated into the interior, went as far as the Atlas, crossed those mountains, and descended to the Sahara.

But first she established herself strongly upon the coast. From the Lixus (Oued el-Kous,⁷ which falls into the Atlantic, to Lake

¹ Pindar (*Isthm.* iv. 91) calls Africa *τὴν περὶ κόμην*, fruitful in corn; *Ferich* in Syriac. *Ferik* in Arabic, mean a certain state of the ear of corn.

² Head of Mercury; on the reverse, two ears of corn. (Bronze.)

³ Beardless head, and the inscription HIPPO in Punic characters. On the reverse, a panther; above it, TYPAT in Punic. (Bronze.)

⁴ HADR. Head of Neptune; before it a trident. (Bronze.)

⁵ THAPSVN IVN. AVG. Head of Livia, veiled and crowned with ears of corn. (Bronze.)

⁶ AETHI. Bust of Mercury. (Bronze.)

⁷ Two and a half miles from El-Araich, the Oued el-Kous surrounds a rocky peninsula where have been found the ruins of an ancient city with Cyclopean ramparts. Opposite

Triton, which the sands and cliffs of the coast separate from the Syrtis Minor, she stretched a long chain of colonies, municipia, and Roman cities. Of these the most important were Zilis (Ar Zila), where have been found many coins of the kings of Mauretania; Lixus (El-Araïch), the Garden of Flowers; Tingis (Tangier), which shows its immense "shield of Antaeus" of elephant's hide; Siga, the rich and populous capital of Lyghax; Portus Magnus (Mers el-Khapir), the best natural seaport of Algeria; Hippo Regius (Bona), the old capital of the Numidian kings, a very strong position; and Tabraca (Taburka), which marks the boundary between Algiers and Tunis, as twenty centuries ago it marked that of Numidia and Tingitana. So little changes have taken place in that region!

Tabraca had the title of a Roman city; so also had Utica, the ruins of which, as a consequence of the alluvial deposits of the Bagradas, are situated in the midst of cultivated fields more than six miles from the coast.¹ Hippo Zarytus (Byzerte), Carthage, Neapolis (Nabel), Hadrumetum (Sousa), Thénæ, at the entrance to the Syrtis Minor, Tacape (Gabes), were colonies; Thapsus, Leptis Minor, and twenty-seven other cities of the province had the rights of free cities.²



COIN OF CIRTA.³

In the interior, colonization was checked in Mauretania Tingitana (Morocco) by the deserts adjacent to the Malva and by what are called the mountains of the Rif. But in the other provinces, which correspond to Algeria, Tunis, and Tripoli, it rapidly developed. The innumerable valleys formed by the ramifications of the Atlas had each its city, connected with neighboring ones by the roads crossing the whole province from west to east and descending in one direction towards

El-Araïch the site of the Garden of the Hesperides has been thought recognizable (*Mém. of M. Tissot on his travels in Morocco, 1874*)! A few leagues from Mequinez the ruins of the Roman city of Volubilis, with the remains of a temple, a triumphal arch, and the inclosure, cover an entire hill. What discoveries might be made there — although these ruins have long served as a quarry for the construction of Mequinez — if Morocco were not so inhospitable!

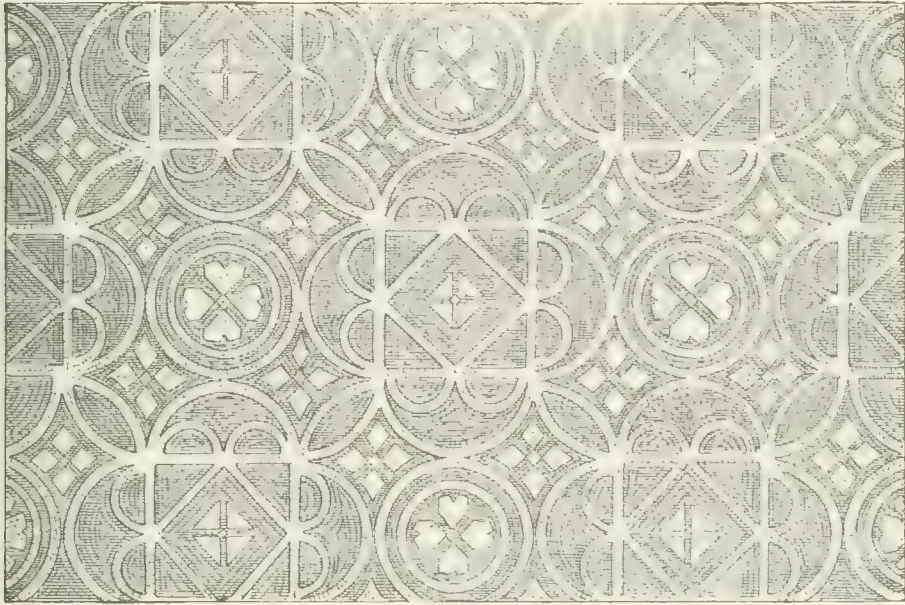
¹ Hadrian gave it the title of colony (Aul. Gellius, *Noct. Atticæ*, xvi. 13).

² Pliny, *Hist. nat.* v. 29. To these twenty-nine free cities Pliny adds fifteen *oppida civium Romanorum* and six colonies; but in the time of the Antonines there were many more. Many military posts, *castella, turres*, had become cities. Thus an inscription of *Turris Tamalloni* praises Hadrian as the *conditor municipii* (Guérin, i. 244). Marquardt (iv. 320-323) gives a long list of the colonies and free cities of Numidia.

³ Struck in 43 B. C. with the figure of Sittius. (Bronze.) In regard to Sittius, see Vol. III. p. 490.

the maritime towns, and in the other towards the desert and the posts established at the foot of Mount Atlas.¹

The Romans, like the French, had much difficulty in penetrating the mountainous central region of Kabylia; but by occupying all



MOSAIC OF IGHGILIS (DJIDJELLI).²

the entrances to the mountain chain, they forced the Kabyles to acknowledge, in order to exist, the supremacy of those who held the valleys, finally gaining a foothold even in the mountains themselves. The same policy was followed, but with different means, in respect to the Sahara. The Romans had closed by defences the gorges of the Aurasius to check the incursions of the nomads; they had even crossed the high plateau and descended into the desert, where they had seized some of the oases. We have been as far as Laghouat only



COIN OF THYSDRUS, BEARING
THE HEAD OF
ASTARTE
(BRONZE).

¹ Thus, Mount Aurasius, part of the Atlas range, which occupies the southern portion of the province of Constantine, between Batna and Biskra, forms a mountain mass, nearly four hundred miles in circumference, inhabited by the Kabyles, who have rarely been subjugated. Three valleys, of which only one is easily traversed, cross it. The ruins left in this district by the Romans prove that they had formed a quadrilateral, the sides of which abutted on Lambese, Ksar Baghaï, Bades, and Biskra (*Bulletin de la Soc. de Géogr.*, September, 1880: *Les Monts Aurès*).

² Delamare, *Expl. de l'Algérie*.

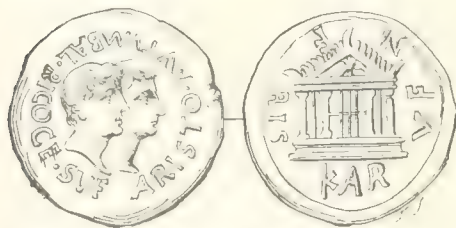
since 1854, and there are found at G ryville, in the same latitude, some vestiges of Roman occupation. At the foot of the southern slopes of Mount Aurasius they laid out a road, which was studded by military posts from Biskra for a long distance eastward. In the oasis of El-Outhaia to the south of El-Kantara, Marcus Aurelius had caused his soldiers to repair a ruinous triumphal arch,¹ and near Besseriani (*ad Majores*), not far from Chott Melghir, has been found a milestone bearing the name of Trajan.

For Numidia and Africa the centre of defence was at Lambese, where still exist the two camps of the Third Augustan legion and its auxiliaries, about ten thousand men, who furnished garrisons to all those posts, and even a cohort to the proconsul of Carthage.² Military roads, made by the soldiers, radiate hence in all directions.

The Romans, who had left autonomy to many cities, and to their magistrates³ the Punic name of *suffetes*, had also recognized or established the authority of certain chiefs of tribes.

The desert of Sahara or the Atlas range could not be, like the Rhine and the Danube, bordered by a continuous intrenchment, nor was it necessary to maintain eight or ten legions on this frontier threatened by no danger. A few well-stationed posts kept the nomads at a distance. Modern travellers, who have at great risk lately penetrated into the southern portions of Tunis, have found in all the mountain gorges works, now fallen to ruins, which

defended the passage. Roman roads led to these, and aqueducts, one of which was not less than forty-three miles long,⁴ brought water from the hills to the cities of the plain.



COIN OF ROMAN CARTHAGE, BEARING THE NAMES OF THE SUFFETES.⁵

As these precautions were not always sufficient to prevent raids

and pillage, the government completed them by another means of defence: it gave a sort of investiture to certain native chiefs who

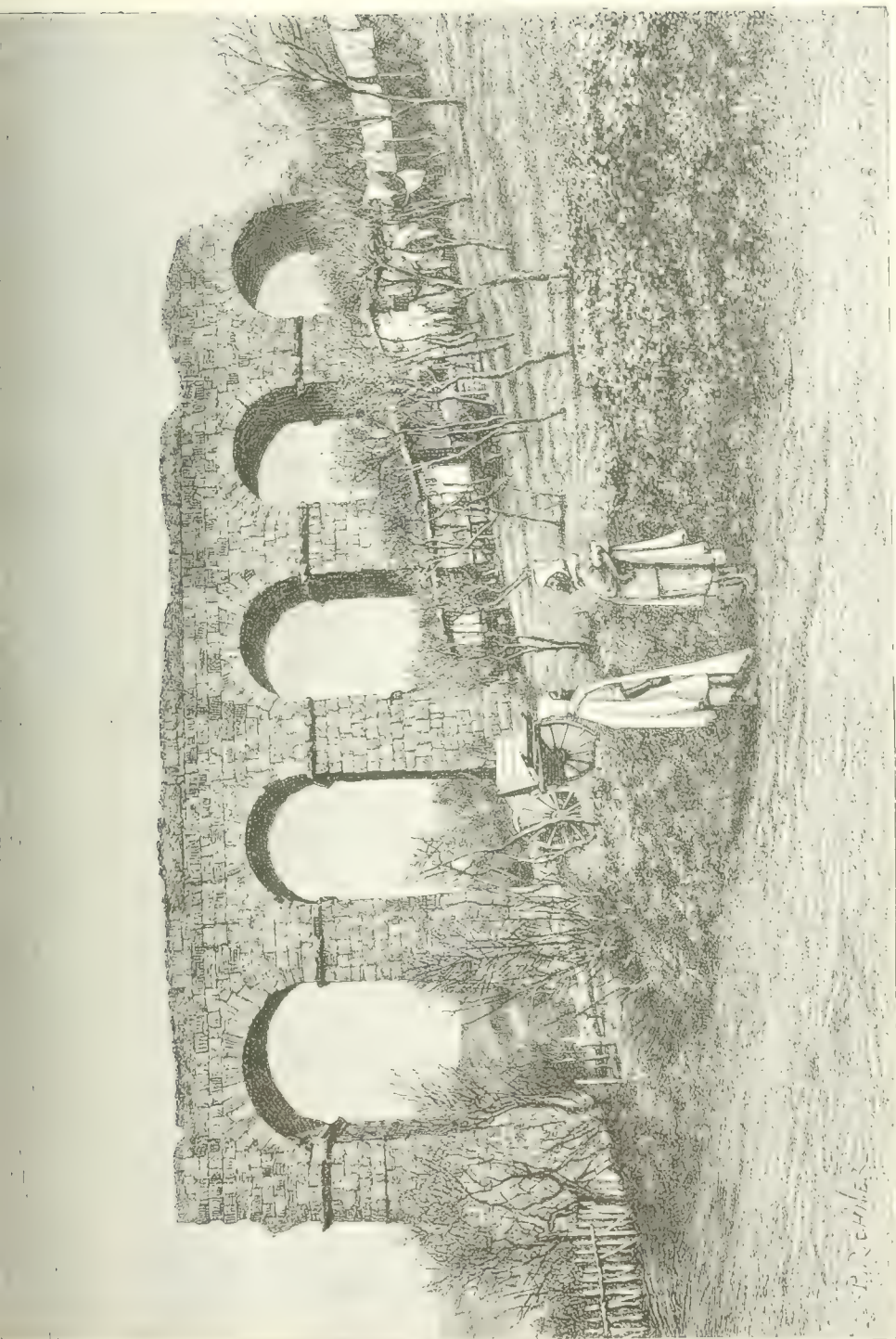
¹ L. Renier, *Inscr. d'Alg.* 1650.

² Cf. Henzen, *Annali* (1860), pp. 52-71; L. Renier, *Inscr. d'Alg.* 5 B.

³ *C. I. L.* vol. v. Nos. 4,919-22.

⁴ Gu rin, *Voyage en Tunisie*, *passim*, and *Archives des Missions pour* 1877, pp. 362 *et seq.*

⁵ ARISTO MVTVMBAL RICOCE SVF. Heads without beards and uncovered of J. Caesar and Augustus. On the reverse, KAR. VENERIS around a tetrastyle temple (Bronze).



RUINS OF A ROMAN AQUEDUCT NEAR CONSTANTINE.

undertook at their own risk to maintain order in the interests of the Empire. These chiefs ordinarily built a fortress in the centre of their territory: and provided they paid the tribute and secured the public peace, they could style themselves princes or kings and govern as they liked. Rome showed no jealousy of them. Only she kept near the more powerful of them a centurion or a prefect, as a representative of her sovereign authority, who was always ready to intervene to check plots or tumults that threatened to go too far. They were like our heads of Arab departments (*préfets arabes*), overseeing the native aghas.¹

We find a similar system on the other frontiers. To the tetrarchs who held commands on the borders of the Syrian desert, to the kings of the Cimmerian Bosphorus, to the Barbarian chiefs whom Rome pensioned on the north of the Danube, the Emperors sent agents, who, residing at the courts of these princes, acted as intermediaries between them and the Empire, and often controlled their acts. This was therefore a general measure of government, and, let us acknowledge, one of the most skilful.

This great province of Africa had been subject, since Caligula's reign, to two different authorities.—the one civil, the proconsul, who resided at Carthage; the other military, the legate of the Third Augustan legion, whose headquarters were at Lambese. Hence arose conflicts and encroachments on the part of the legate, who, having on his side the effective power and the longer duration of his duties,² finally secured the formation of Numidia into a separate province, of which he was the head. There is also another resemblance to Algeria; namely, that as French colonization is hindered in the interior of our provinces by two conflicting elements, the Arabs and the Kabyles, so also was Roman colonization by the Berbers and the Phoenicians. The latter in the cities preserved their own worship, language, and manners, and the Berbers kept the language which they speak at this day. But Rome had this advantage over France,—her religious belief

¹ The history of Firmus (Amm. Marc. xxix. 5) shows that there were in this province powerful chiefs, one of whom even bears the title of king. In an inscription of Trajan's time found at Kamala in Numidia (L. Renier, *Inscrip. d'Alg.* No. 2715), there is mention of a Roman *præfectus gentis Musitanorum*: another inscription, found at Caesarea in Mauretania (*Ibid.* No. 4,033), mentions a *procurator Augusti ad curam gentium*.

² Tac., *Hist.* iv. 48.

did not excite the fanatical hatred of her subjects. Of the two sentiments which constitute for a people their greatest power of resistance against the foreigner, namely patriotism and religion, the Emperors had nothing to fear from the latter, and historical circumstances had singularly weakened the former.

Perhaps also the Romans found in this region, two thousand years younger than than now, better conditions of culture, — mountains better wooded, springs of water more abundant, and especially more constant. Even in the Sahara — a territory burned by an irresistible sun — there seem to have been in many places powerful watercourses, which now occur only in the form of subterranean pools. Withered palm-trees here and there bear witness to the recent disappearance of the springs, and the Romans might have seen a rich vegetation in the very place where we find only a sea of sand. With good reason has been admired the system of regular weekly, daily, and hourly irrigations which the Arabs have established in the Huerta of Valentia. The same system was also practised by the Romans. In Algeria stone tables have been found with inscriptions indicating the hours during which each proprietor had a right to the water.¹

To conclude: from the sea to the Sahara were four zones, — the maritime cities, that is to say, commerce; the cities of the Tell, or agriculture; at the foot of the Atlas range, the military posts and the native principalities; beyond were the oases and the desert nomads, who were dependent on the Tell for their supply of corn.²

Such was the Africa of the Emperors, and such also is ours. In this territory, whither we carry the civilization of Europe, the name of Rome calls up that of France, and the two names become unconsciously blended, as are the traces of the two peoples. But we have not recovered all those which Rome has left.

In 1850 a French general, when crossing the Aurès on his way to Biskra, thus wrote: "We were flattering ourselves that we

¹ Masqueray, *Ruines de Kouchela*, p. 3. The fauna of Algeria have changed, like the water-system. In the south of Algeria are seen on the rocks representations of animals such as the elephant, the rhinoceros, and the giraffe — which are no longer found there. The elephant, still very common in North Africa in the time of Procopius, has entirely disappeared.

² Dr. Seriziat, who in March, 1865, was at Ouargla, the most southerly oasis belonging to France, says that corn was worth 175 francs per 100 kilogrammes.

were the first to traverse the defile of Tighanimine. What a mistake! Half way through it, cut in the rock, . . . an inscription informed us that, under Antoninus, the Sixth Legion had taken the same route along which we were laboring seventeen hundred years later.”¹ Others relate that during the expedition from Constantine the French soldiers were filled with admiration when, wearied by the dreariness of the route, they suddenly came upon the remains of a Roman city. No one expected such a discovery. These ruins in the solitude revived the enthusiasm of the army, reminding them thus solemnly that, centuries before, a great people had conquered and civilized this land. And since then, how often have our troops seen monuments, still imposing in decay,—the remains of baths, aqueducts, amphitheatres, temples, tombs, and triumphal arches,—from whose heights, one might say, the Genius of Rome seemed to be watching France beginning again the work of her legions. The Arabs, whom nothing astonishes, have yet been struck by the grandeur and number of these ruins; and they have said when pointing them out to those whom they call the *Rommi*: “Did your ancestors then believe they should never die?”

Africa, thus grasped by Roman civilization, yielded to this powerful embrace. She was destined to follow Spain and Gaul in furnishing emperors. There was already Libyan blood in the Flavian family; Septimius Severus, Albinus his rival, Macrinus the murderer and successor of Caracalla, were of pure African descent. From Hadrumetum came the great jurisconsult Salvius Julianus, and, as was proper, a provincial had compiled the law for the provinces.² This prosperity of Africa appears not only in the success of her sons, but also in the splendor of her cities, especially Carthage, which became once more the second city of the West. When the sap circulates actively and powerfully, fruit comes with the flower. Africa stood ready to seize that literary sceptre which Italy was again letting fall after having for a while recovered it from Spain and Gaul by the elder and younger Pliny, Juvenal, and Tacitus. The great names of Latin literature will henceforth be African,—Apuleius, Tertullian, Minutius Felix, Saint Cyprian, Arnobius, Lactantius and, noblest of all, Saint Augustine. For the time

¹ *Correspondance* of General St. Arnaud.

² Vol. V. pp. 391, 392.

Fronto reigns there, and Cirta is proud of having given to the world him whom she styles a new Cicero.¹

I have not spoken at all of Tripoli, where the three cities Leptis, Oea, and Sabrata formed a sort of federal republic with an annual deliberative assembly which was still existing as late as the fourth century, — whose most illustrious time, however, comes later, since it was the work of Septimius Severus;² beyond the Syrtes we should enter into the Greek world, where the situation was nearly the same as it had been two centuries earlier.



COIN OF OEA (OBSERVE AND REVERSE).³



COIN OF SABRATA (WITH BEARDED HERCULES). (BRONZE.)

Cyrenaïca, while protected against the nomads by brilliant expeditions, yet saw its prosperity diminishing; Alexandria was causing its ruin, and the Emperors did nothing to arrest its decadence.

In Egypt the policy initiated by Augustus was still followed. The Emperors appointed as governors to this rich province only knights, sometimes even citizens of foreign extraction, — like that Jew who proclaimed Vespasian in Alexandria, and that Balbillus, grandson of a king Antiochus, whose daughter, the poetess Balbilla, engraved some pretentious verses and her genealogy on

¹ The first two governments in the Empire were those of the proconsular provinces of Asia and Africa, whose incumbents had a salary of two hundred and fifty thousand drachmas (Dion, lxxviii. 22). It appears also that the governors of Numidia enjoyed the privilege of being raised to the consulship on the expiration of their terms of office. At least M. L. Renier has found inscriptions of the reigns of Hadrian, Antoninus, Marcus Aurelius, and Septimius Severus, in which six legates, propraetors of Numidia, bear in the last year of their official life the title of consul-designate.

² Ann. Marcell. xxviii. 67. The territory of this republic — if we may so call it — was a dependency of the province of Africa, and Rome supported a garrison even in Fezzan. Barth (*Voy. dans l'Afrique centrale*, vol. i.) found in the mountains to the south of Tripoli a tomb, thirty-six feet high, which he believes to be of the time of the Antonines, and other sepulchral structures also on the route from Tripoli to Mourzouk.

³ Woman's head turreted; behind, Oea. On the reverse, head of Apollo, laurel-crowned: in front, *quaestor* (?) *praefectus tributo*. (Bronze.)

the leg of Memnon.¹ The native civilization was nearly extinct; but the country had always her rich harvests, her commerce with India, and her porphyry quarries, at that time worked for the whole Empire. Under the strong hand of her new masters she flashed out as in the days of the Pharaohs. Her numerous vessels ploughed the Red Sea; her merchants again followed the route of the Rameses towards Nubia, and sought to solve the problem of the sources of the Nile.² The oases in the desert show to this day traces of Roman occupation, and inscriptions found on these remains bear the names of Galba, of Titus, and of Trajan.

We have traversed with Hadrian the whole Eastern frontier. In Syria, the cities of Baalbec, Palmyra, Gerasa, Rablath-Ammon, and Bostra had begun the erection of those monuments whose ruins astonish the traveller who in fear and peril now penetrates the solitudes where in those days life was so crowded and busy.

In Asia Minor we should need to stop at every step to narrate the prosperity of those now desert provinces, where five hundred cities were then flourishing; but in this work our chief aim is always the study of the manners and institutions of Rome. We have written at length respecting the western half of the Empire for the reason that all the activity of the Romans showed itself on that side. There they awakened civilized life; there they made ready for the formation of the modern nations; and they seem to have bequeathed to the latter that clear, exact mind which had aided themselves in doing their own great deeds.

In the East, coming after the Greeks as they did, the Romans were not able to dispossess them; and notwithstanding some Latin inscriptions and Roman names to be found here and there engraved



COIN OF BOSTRA,
STRUCK UNDER ANTONINUS (BRONZE).

¹ Letronne, *Inscr. d'Égypte*, ii. 358.

² Dr. Schweinfurth found in 1871 the remains of seven Roman *castella* in the grand oasis of the Libyan desert, El-Khargué, eighty miles west of the Nile (*Bulletin de la Soc. de Géog.*, June, 1874). Cailliaud (*Voyages à l'oasis de Thèbes*), the bold traveller of Nantes, had seen, in 1818, fifty-six years before the German expedition, the ruins of El-Khargué, and notably more than two hundred Roman tombs. To the south of Syene a wall bars the Nile valley against Ethiopian marauders. Inscriptions speak of the guardians of the sacred gate, *εὐρυπύλας πύλας Σοφίης* (*C. I. G.* No. 4,878). This sacred gate was doubtless only an important post of the imperial customs.

on tombs, the Romans had not succeeded in causing their language and their usages to predominate. These countries, organized a very long time before the legions appeared in them, had preserved their own customs and peculiar genius in art, industry, commerce, temples, theatres, festivals: gladiators and amphitheatres there were none, or very few, except at Pergamus and Cÿzicus,¹ but philosophers who are going to frame Christian theology, and a great number of sophists who will multiply heresies. It was quite another world; the difference was so profound that it still exists. From the Adriatic to the Atlantic, all had become Roman; from the Euphrates to the Adriatic, all was Greek.² In vain does Pliny talk in grandiloquent terms of the universality of the Latin tongue;³ one half only of the Empire employed the language of Latium.

Latin was the official language, that of the army and of the administration. But in the second century every well-educated man spoke Greek, even at Rome; and under the external uniformity of the two languages, which divided the Roman world between them, local dialects, and consequently in a certain degree national peculiarities also, still existed. Since the language of the Druids has lasted in Brittany till our own days, and that of the Iberians in the Pyrenees, we should not be surprised that certain noble Arverni still made use of the Celtic dialect as late as the fifth century of our era,⁴ that Saint Irenæus was obliged to preach in Celtic in the Lyonnais district,⁵ and that Saint Jerome found some genuine

¹ There was in the whole of Asia Minor no regular organization for gladiatorial games except at Pergamus and Cÿzicus. These are the only cities in which the ruins of an amphitheatre are found (Texier, *Asie Mineure*, p. 217). Saint Polycarp's martyrdom proves, however, that games of wild beasts were given at Smyrna, Miletus, Ancyra, and Aphrodisias of Caria; and in Greece, Corinth, Megara, and even Athens, had them as well (Egger, *Mém d'hist. anc.* p. 30).

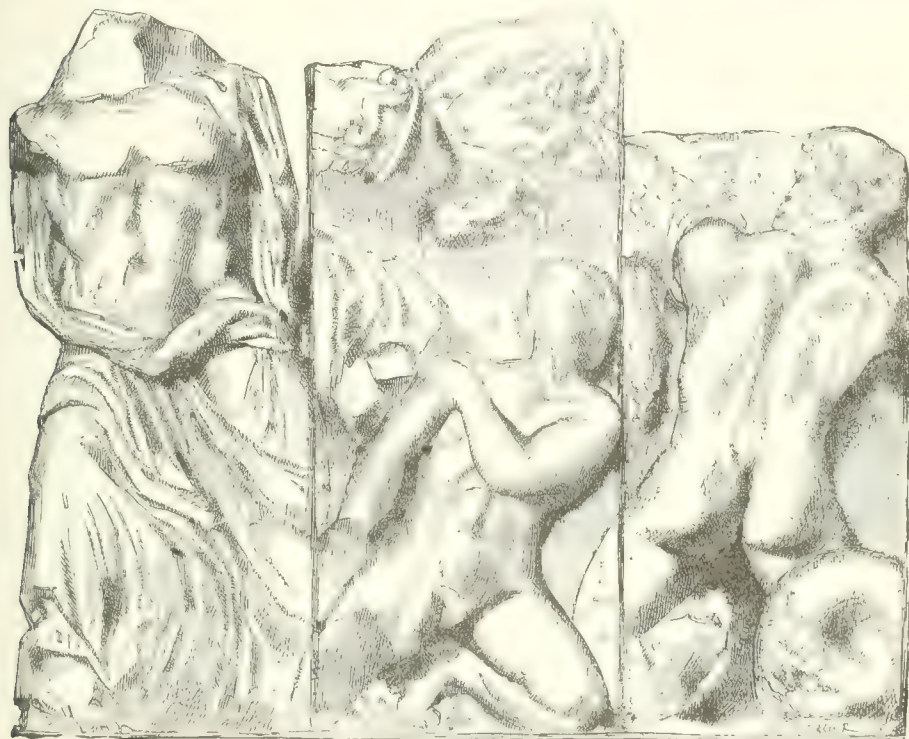
² Apuleius says a Thessalian peasant could not understand a soldier who spoke Latin to him. [Only a dozen Latin words, concerning soldiers and taxes, are to be found in the Greek of the New Testament.—ED.]

³ *Hist. Nat.* iii. 6. Saint Augustine says also of Rome: *Linguam suam domitis gentibus per pacem societatis imposuit* (*Civ. Dei*, xix. 7).

⁴ Sidon. Apollinaris, iii. 3, v. 18, and Faurl, *Hist. de la Gaule mérid.* i. 397. A Gallic inscription, found at Paris, dates from the fourth century (*Bull. de la Soc. de l'Hist. de Paris*, March and April, 1877, p. 36). Another is to be seen on a vase of the third or fourth century discovered at Bourges. Cf. *Revue critique*, 1882, p. 131.

⁵ . . . *Nos qui apud Celtas commoramur et in barbarum sermonem plerumque vacamus* (*Adv. Haeres. prooem.* 3).

Gauls in Galatia, although Greek prevailed throughout the whole East.¹ Some Italian contemporaries of Marcus Aurelius spoke Gallic and Tuscan² at the very gates of Rome, Umbrian at Iguvium,³ Greek in Southern Italy, where, except at Brundisium, no Latin inscriptions are met with. The Emperor Septimius Severus was understood to be more fluent in the language of Hannibal



BAS-RELIEF FROM PERGAMUS: FRAGMENT OF THE GIGANTOMACHIA, REPRESENTING ZEUS.⁴

than in that of Scipio. The stepson of Apuleius, though born of a high family, knew but a very few Latin or Greek words: his maternal language was Carthaginian.⁵ Two centuries later, in the diocese of Saint Augustine, the greater part of the country people knew no other speech: and it was still true in the time of Procopius of the Moors who lived near the Pillars of Hercules. Also in Algeria there have been discovered numerous Latin inscrip-

¹ *Comm. in Epist. ad Gal.* iii. The reasons which are given for doubting the evidence of Saint Jerome do not seem to me conclusive.

² Aulus Gellius, *Noct. Att.* xi. 7.

³ Bréal, *Les Tables igrigales*.

⁴ Berlin Museum. See in Vol. V. p. 36, another fragment called the Group of Athena.

⁵ Apuleius in the *Apologia*.

tions containing Carthaginian names,¹ and there are constantly found in Tunis Punic inscriptions of the Roman period.

Among the Emperor's secretaries we know that one was required for the Arabic language; may we not infer from this that there was one for each of the principal languages, since all the subjects of the Empire had the right of appeal and of petition to the Emperor, and since agreements were valid written in any language?

Another difference existed between the two great divisions of the Empire: the right of coinage, withdrawn from the Latin countries, was for a long while preserved in the Oriental provinces,—a measure which is explained by the greater activity of Asiatic commerce and by the privileges of municipal autonomy granted to a large number of transmarine cities. Rome, which had carried her language and her institutions into Gaul, Spain, and Africa, naturally carried thither also her monetary system, while the East preserved its own, together with its language, its manners, and its manufacturing industry.

Greece, which did nothing great in politics outside her own territory,—nothing, at least, of a lasting nature,—has had in matters of intellect an inexhaustible fecundity, and in philosophy and eloquence a proselyting ardor which belongs ordinarily only to religious beliefs. Without organization, and by the simple force of its genius, this race was spread over Western Asia, where it had occupied and penetrated everything. In its presence the ancient civilizations had been effaced or transformed; the national languages had disappeared, or existed only in the lower strata of the population. Hellenic life had everywhere taken possession of men and of cities.

The Greeks, above all things a rhetorical people, wished perpetually to talk, to argue, and to teach. Wherever they came they at once organized a place of discussion, a school, and they allured the population to their disputes. Then men took sides violently for rhetoric or grammar, for Zeno or Epicurus, and from each city of Asia proceeded new masters. On the banks of the Nile, old Egypt, affrighted, had escaped from Alexandria into the

¹ L. Renier, *Mémoires de l'Épigraphie*, 255–285; *Digest*, XLV. i. 1, sect. 6; and *Inst.* iii. 15. sect. 1.

Thebais, whither a new enemy was soon to come to trouble her with a new creed; and even at the foot of Atlas, the palaces which took the place of Masinissa's royal tent had resounded with the names of Aristotle and Plato. All the Asiatic courts strove to speak Greek; the Parthian kings had some of the plays of Euripides acted in their presence, and India attempted to decipher those medals covered with Greek characters which she restores to us to-day, thus helping us to recover the lost history of a Greek state which flourished twenty centuries ago on the banks of her great river.

These active masters always found eager listeners. At Olbia the Scythians were in the vicinity, the war-standard planted on the towers; but Dion Chrysostom arrives, he speaks of Homer and Phocylides. All stop to listen; and then, to hear better, they lead the orator to the agora and listen to a long discourse on the city of the gods. Much flattered by the attention paid him amid circumstances so distracting, Dion adds: "So truly Greek were they in their tastes and manners."¹ Every rhetorician was then welcome, every discovery excited enthusiasm; and when these Greeks came into a country which had had its days of scientific culture, among a people whom without humiliation they could acknowledge as their elders (as Plato took pleasure in saying to the priests of Egypt), they immediately sought to make these unexplored treasures their own.



Throughout the East their translators were set THE NILE PERSONIFIED.² at work to obtain science from the priests as their ancestors had snatched political power from the warriors.³ Egyptian, Hebrew, and Chaldaean books had been translated; and if the Greeks had been unable to penetrate into India either far enough or in sufficient numbers to capture that old civilization also, yet they had formed active commercial relations beyond the Indus, and while bearing away the commodities of the country, they had questioned its wise men and carried off some of their teaching.

But the effort had already lasted long, and the Greek mind

¹ Dion Chrysostom, *Orat.* lxxx.

² Bronze of Hadrian.

³ Strabo, xvii. 806: "They draw from the writings of the Egyptians as well as from those of the Chaldaeans."

was giving way under the mass of knowledge that it had acquired. By being too much occupied in learning how others have thought, a man forgets to think for himself; and as a strong political life did not uphold the Greek mind, as its native land had become so small and the land of its adoption so great that patriotism no longer existed for these citizens of the world, the vigorous need of knowing and believing, which animated men in the flourishing days of the great schools of thought, had been replaced, in the early days of the Empire, by the restlessness of a mind idle, though still noisy. Strength was wanting to seek new solutions outside the paths which the masters had opened, and there was only a vain disquietude and a curiosity which satisfied with puerile subtilties. Thus, after the grand movements of the ocean are calmed, the agitation continues for a time longer in the shallows. It is there that they end; but it is there also that they begin afresh. These schools, now poorly occupied, will assume greatness again when Greek philosophy, yielding to the influence of the revolution which had united so many peoples into one family, shall lay aside metaphysics in order to undertake the moral education of the world.

The more recent peoples of the West had neither fallen so low nor risen so high. They had not obtained, when Rome made their conquest, the luxuries of life; they lacked even its necessities.¹ They had everything to learn, and from Rome they asked everything, — laws, manners, language, both good and evil. Therefore Rome put upon them her stamp, and twenty centuries have not yet effaced it. Since the battle of Actium the Roman world had leaned towards the West, the face of which had been renewed; henceforth it was to turn towards the East. A time was to come when this Empire will have but one language, that of Athens, and when Rome will be at Byzantium; but then the Empire will be nothing else than the Byzantine Empire.

¹ Cicero wrote to his brother, the governor of Pergamæan Asia, some years before Actium: *Quod si te sors aut Afris, aut Hispanis, aut Gallis præficeret immanibus ac barbaris nationibus* (*Ad Quint.* i. 1, 6). Juvenal still makes the same difference. After having raised the laugh against the effeminate Rhodian, the perfumed Corinthian, and the hairless youth, — a race engaged in polishing their legs, — he advises the insolent nobles who would have to govern the western provinces to exercise prudence with such impatient subjects: *Horrida vitanda est Hispania, Gallicus axis . . . Illyricum laius*, etc. (*Sat.* viii. 115.)

IV. — THE ADMINISTRATION OF THE PROVINCES ; COMMERCE ; TRAVELS

THERE is no need a third time to explain the provincial administration, which from Augustus to Diocletian remained the same in its general features.¹ With the exception of the creation of new governments and an interchange of provinces between the Emperor and the Senate, the principal change made was in the matter of the *procuratores*. At first mere financial agents charged with the levying of the tribute in the imperial provinces, they obtained from Claudius a jurisdiction over fiscal matters,² and finally possessed, under the higher authority of the military chief of the district, the administration of part of a province *cum jure gladii*.³ Such were the procurators of Rhaetia, Thrace, and Judaea. As regards the *consulares* of Hadrian, the *juridici* of Marcus Aurelius, and the *curatores* of the Antonines, they belong to a new order of things which began then, resulting finally in Constantine's great reform. The time is not come for considering this; and we may say that since the reign of Augustus the government of the provinces had undergone no very important modifications.

We simply recall the fact that in certain circumstances extraordinary commissioners were sent to correct abuses,⁴ and that great military commands were given from time to time to a prince of the imperial house or a famous general, as had been done in the case of Pompey and Caesar. The different provinces, reunited under one chief, were to furnish Diocletian with the idea of his division of the Empire into dioceses.

An unimportant change yet deserves mention here. After the Social War, the Italian soil, having become quiritarian, had ceased paying the land-tax. Some provincial cities obtained from the Emperors leave for their territory to be assimilated to the Italian land. This privilege was known as the *jus Italicum*.

¹ For the provincial organization under the Republic, see Vol. II. pp. 227 *et seq.*; under Augustus, Vol. IV. cap. lxvii.; and in this volume the chapter on *The City*.

² See Vol. IV. p. 528.

³ Orelli, Nos. 3,664, 3,888.

⁴ Pliny, *Epist.* viii. 24; Philost., *Life of Herodes Atticus*, sect. 3.

The powers of the governor (*praeses*)¹ continue the same as in the past. He has both civil and criminal jurisdiction, with the exceptions which we have mentioned; the supreme authority in the whole extent of his government, which he is required to maintain in peace and quietness.² His authority, as had been that of the Senate over Italy, was not limited to the repression of crimes, but had something of the moral jurisdiction of the censors. "The governor," says Ulpian,³ "ought to take care that no one make an unjust gain or suffer an undeserved hurt,"—a very vague formula, which would permit any sort of interference,—"to prevent the unjust seizures of property, sales compelled by fear, or pretended sales which are not completed by an actual money payment." But here is something new: "It is a sacred duty for him not to allow the powerful to do wrong to the humble, nor, under pretence of the arrival of functionaries or soldiers, to deprive the poor of their only lantern or of their scanty furniture." This is like our exemption of the indigent from billeting soldiers.

As to the fashion in which the governors acquitted themselves in their functions, the writers of the imperial period show that order being established had its necessary consequences. Doubtless not all the governors were Plinys or Agricolas, and there were still abuses at rare intervals; but cases of extortion seldom occurred, because the peoples no longer had the resignation of older times, now that they knew that the Emperor was interested in not allowing any injustice to be committed, and that the Senate showed no indulgence towards those whom the provincial delegates cited and accused before it.

In noticing the short duration of proconsulates and legateships we might be led to suppose that the public service would suffer thereby; but the governors had at hand, besides their *assessores* and counsellors, public slaves and freedmen, who, remaining per-

¹ *Praesidis nomen generale est (Digest, i. 18, 1); . . . majus imperium habet omnibus post principem (16-4).*

² *Digest, i. 18, 13 pr. Provincia pacata et queta.* The state police was formed of soldiers taken from all the legions, and first of all kept at Rome (*frumentarii*), then sent into the provinces, where *omnia occulta explorabant* (Hist. Aug., *Hadr.* 10; *Macr.* 12); that of the cities was effected by municipal officers, the *ironarchs*, or justices of the peace, whom the governor selected yearly from a list of ten notables presented by the curia (Ael. Aristeides, *Sacr. Scrm.* IV. i. 523, edit. Dindorf).

³ *De off. praes. (Digest, 18, 6); . . . Ad religionem praesidis pertinet.*

manently in their positions, had charge of the papers and public documents, prepared matters for settlement, and preserved the routine. From numerous inscriptions found in a cemetery at Carthage it has become possible to draw up a long list of these obscure and useful public servants in the proconsulate of Africa. The head changed, but the departments remained, and affairs were not interrupted. The inexperience of a new comer was set right by the wisdom of his predecessors, which the subordinates of the provincial government communicated to him, and in the carefully preserved registers there were found for his use precedents bearing on every question.

We shall see shortly that the departments of the central administration had a similar organization; like those of the governors, they continued, even under an incapable chief, the accustomed work. Thus imperial tragedies took place unnoticed by the provinces; they were revolutions of the palace, not of the Empire.

We have recently spoken of those provincial assemblies whither the deputies of the cities came to declare their union with Rome. An inscription of the year 238 shows the interested consideration which the governors still manifested later than the Antonines towards the influential members of these assemblies. "At the time when I was imperial legate of the province of Lyons, I knew many distinguished men in that city, among whom was Semius Sollemnis, one of the Viduacasses, who had been appointed priest of the altar of Rome and Augustus. . . . A particular reason secured him my friendship. Some members of the assembly of the Gauls, believing that they had cause to complain of Cl. Paulinus, my predecessor, sought to enter an accusation against him in the name of the province. Sollemnis resisted their proposal, and declared that the people of his state, so far from directing him to accuse the governor, had bidden him to eulogize the latter's administration. And upon this statement the assembly decided that it would not prefer a complaint against Cl. Paulinus."

Thus, in the third century, the right of criticising the governor's conduct, and consequently of examining into his administration, was in full exercise. And documents give evidence, for the fourth and fifth centuries, of the regular exercise of this practice. It was accepted by the government as well as by the populations;

for in Dacia Trajan organized a *concilium prov. Daciarum trium* which seems copied from that which Drusus had established at Lyons under Augustus.¹ The province, with its own festivals, its treasury (and, in the East, its royal right to coin money), its deputies and its priests, its functionaries and its public slaves,² had therefore a life of its own derived from itself, and not from Rome.³ This might have been a source of strength for the Empire; but the Emperors unfortunately did not know how to derive advantage from it.

Not being made useful to the state, the provincials occupied themselves with their own interests. By degrees they took possession of all the offices, even the highest, from the period of those illustrious Antonines who were so great, only because they had to second them a multitude of men sprung, like themselves, from the free cities. By this the Empire gained energetic and able Emperors, who appreciated the usefulness of the provincial assemblies. Trajan increased their number, and Hadrian took pleasure in consulting them. But they seem to have been forgotten in the midst of the troubles of the third century, and when in the following age there was a wish to revive them, it was too late. This chapter leads therefore to the same conclusion as the preceding. Much municipal life and a little provincial life have made the grandeur of the Empire; the ruin of these institutions was to cause its decadence.

The prosperity of the provinces, manifested by the progressive elevation of the aristocracy of the cities, is further proved by the innumerable public buildings with which the cities covered the

¹ *C. I. L.* vol. iii. No. 1,454 *ad annum* 241: . . . *sacerdotes arae Augusti* (Nos. 1,209, 1,509, 1,513) and *coronatus Daciarum trium* (No. 1,433).

² There were public slaves of the province, as of the city. Cf. *C. I. L.* ii. 28, 1, and Henzen, No. 6,393.

³ *Provincia Lugdunensis* had a *summus curator civium Romanorum* (Orelli, No. 4,020). — another proof of the legal personality of the province. An inscription (Lebas, *Voy. archéol.* No. 1,189) records a quarrel between two cities respecting their frontiers. The affair was carried to the *κοινὸν Θεσπιάων*, composed of three hundred and thirty-four members, who met periodically at Larissa. The voting took place upon oath and by ballot. To make the judgment binding, it needed the confirmation of the Roman governor. It has been concluded hence that "the Roman administration shut up within very narrow limits the liberty of these so-called autonomous communities and of their national assemblies." On the contrary, this matter proves the extent of the powers of the assembly, which is judge in the first instance of a question that in France the *Corps législatif* only could decide by a law. The right of fixing the limits of municipal territory is of the very essence of sovereign power.

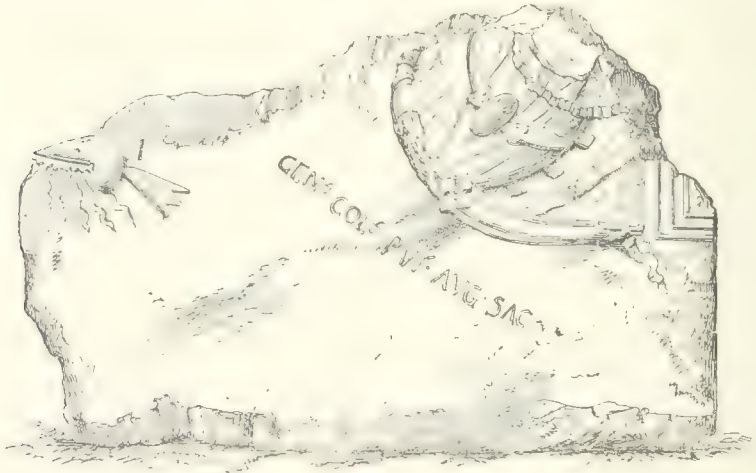
Empire, implying an amount of wealth never met with again until in our own days. This general condition of prosperity was the result of bringing into culture immense territories and of a commerce which carried everywhere the products of the soil, of industry, and of art. Let us also take note of three things. First, the nobility of those days had not the prejudices of our old military families. Dion Chrysostom shows us his grandfather, his father, and himself returning to business after having ruined themselves in the service of their city, and recovering their fortune previously lost in public life. There were therefore in this social state fewer idlers than is believed. Next, very strict regulations respecting weights and measures and the permanence of the imperial coinage² gave a security to commerce which it had never known, and which it no longer knew in the third century, when, after the Antonines, the monetary system of the Empire became nothing else than "a permanent bankruptcy." Lastly, the military roads laid out by the Romans from one end to the other of their provinces, and the lesser roads connected with them, brought about the revolution which railways have effected in modern times. On the territory of ancient Gaul have been counted 22,000 kilomètres (13,200 English miles) of Gallo-Roman roads, and by no means all are identified.

The world was opened; the most secluded places had become accessible; all things circulated without let or hindrance. It was

¹ *Orat.* xlvii.

² Silver had been in all classical antiquity the dominant metal. The Empire retained it as such concurrently with gold, and thus had a bi-metallic standard. But in consequence of the alterations in weights and alloyage which silver money incurred, — to the extent that in the time of Severus these coins, containing from 50 to 60 per cent of alloy, became simply debased metal, — silver assumed more and more the nature of token money, and gold remained the sole standard. In the year 16 Augustus divided the Roman gold pound into 12 aurei (= 327.43 grs. = \$214.30 of American money: whence we determine the intrinsic value of the aureus of Augustus, in pure gold = \$5.19). Under Marcus Aurelius the pound equalled 45 aurei, which reduced the metallic value of the aureus to \$1.76, *i. e.*, the small decrease of thirty-four cents in nearly two centuries; but these coins, always containing .96 of fine gold, and keeping their official value, continued to be received everywhere with confidence. Hidden treasures which have been discovered — one alone, that of Brescello, consisting of 80,000 aurei — attest the enormous circulation of gold coinage which took place at that period (Mommson, *Hist. de la monn. rom.*, translated by the Duc de Blacas, vol. iii. *passim*). Gold is the coin of rich countries, and the Empire was rich. Requiring much gold for its innumerable exchanges, it drained all the neighboring countries of this metal, — as in our days America, whose monetary needs grow even more rapidly than its population, its commerce, and its agriculture, attracts the gold of the Old World.

free-trade, with its advantageous results in abundance and low prices.¹ All the produce of the world came into Rome by the Tiber, which Pliny calls *rerum in toto orbe nascentium mercator placidissimus*. The women of the Bernese Oberland bought their ornaments of a jeweller of Asia Minor,² as we now obtain from Smyrna or Caramania our best carpets. Merchants from Carthage and Arabia came to end their days at Lyons; Greeks, a Thracian



TOMBSTONE OF A CITIZEN OF PUTEOLI.³

woman, a citizen of Nicomedeia, found burial at Bordeaux;⁴ Nabathæans at Puteoli; a Puteolan at Rusicada, etc.; a certain Phrygian makes his boast of having rounded Cape Malea seventy-two times on his way to Brundisium or the Asiatic coast.⁵ "Thanks to the festal peace which we are enjoying," exclaims Pliny, "an immense crowd of navigators traverse all the seas, even the Western Ocean, and find hospitality on all the coasts."⁶ Merchants found it even on

¹ The colleges of the Early Empire (see p. 94 *et seq.*) differ from our trade-guilds in an essential point. They did not form privileged bodies, except certain societies established in the public interest.

² Mommsen, *Die Rom. Schweiz*, p. 24.

³ This tombstone, found at Rusicada (Philippeville), and unfortunately broken, is only interesting from the inscription it bears: GEN(io) COL(oniae) PVT(eolanorum) AVG(usto) SAC(rum). It is a proof of the commercial connection existing between the two maritime cities (*Mus. du Louvre*, Frohner, *op. cit.* No. 473).

⁴ Robert, in the *Comptes rendus de l'Acad. des inscr.*, 1872, p. 54, and Le Blant, *Inscr. chrét.* No. 225; Allmer, *Rev. épigr.* p. 180.

⁵ *C. I. G.* No. 3,920.

⁶ . . . *pax tam festa* (ii. 15 and 67). Horace had already said: *Ter et quater annos periculis acquor Atlanticum*. We have seen that these navigators had lighthouses to guide their

the mountain heights; at the highest point of the Pass of the Great St. Bernard, between the lake and the spot where the present Hospice stands, have been discovered the ruins of a temple of Jupiter Penninus and more than thirty votal tablets in bronze. This temple had no doubt during the summer priests who gained a living from passing travellers.

We have already noted the importance of this commerce in the early days of the Empire.¹ The general prosperity had increased it, but the objects of exchange were the same. It is therefore needless to retrace the sketch; we may only observe that Roman merchants had multiplied their relations beyond the frontiers. On all sides the old boundaries by land and sea were overstepped. Communications with India and Ceylon, though slower than in modern days, were as regular as they now are: the setting out and the return were fixed almost to the very day.² Some Italian merchants had trading-posts on the Malabar coast,³ and used to sell their wines at Barygaza, at the head of the Gulf of Cambay: by way of the Indus they penetrated into Bactriana; by the Persian Gulf to the mouths



ROMAN FIGURE IN BRONZE FOUND IN POMERANIA.⁴

course, like those of Alexandria and Boulogne (above, Vol. IV. p. 509; Vol. V. p. 381), or sea-marks like the "towers of Hannibal" on the African and Spanish shores, and on the coast of Asia constructions from whose top the sea could be overlooked to a great distance and where on the approach of pirates could be lighted *periscopiois* lanterns (Pliny, *Hist. nat.* ii. 15). Strabo speaks also of lofty towers on all the coasts to observe the arrival of the tunny fish.

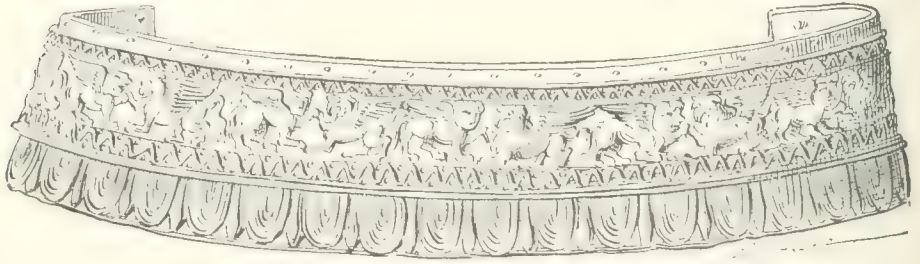
¹ Vol. IV. pp. 213-232.

² Pliny, *Hist. nat.* vi. 26.

³ Many Roman coins have been found on the banks of a river in Malabar. Cf. Reinard memoir on the *Péninsule de la mer érythrée* and on the *Reliques de l'époque romaine en Asie orientale*.

⁴ *Archæol. Zeitung*, 35th year, pl. 19.

of the Tigris; and from all these countries there came many times ambassadors to the Emperors of Rome. According to Seneca, ships even went from Spain to the Indies by rounding Africa.¹



ROYAL DIADEM IN GOLD FOUND IN THE CIMMERIAN BOSPHORUS.²

On land caravans went as far as the centre of Ethiopia and the African oases,³ which our merchants have so much difficulty in reaching; and in the north they penetrated to the farthest parts of Denmark. In the Island of Fünen, to the east of Jutland.



DIADEM OF A KING OF THE BOSPHORUS.⁴

and in the neighborhood of Königsberg have been found coins of the Antonine period with arms and utensils of Roman make. The kingdom of the Bosphorus was rich and flourishing;⁵ at Dioscurias, at the eastern extremity of the Euxine, so many

¹ *Quæst. nat. præf.*

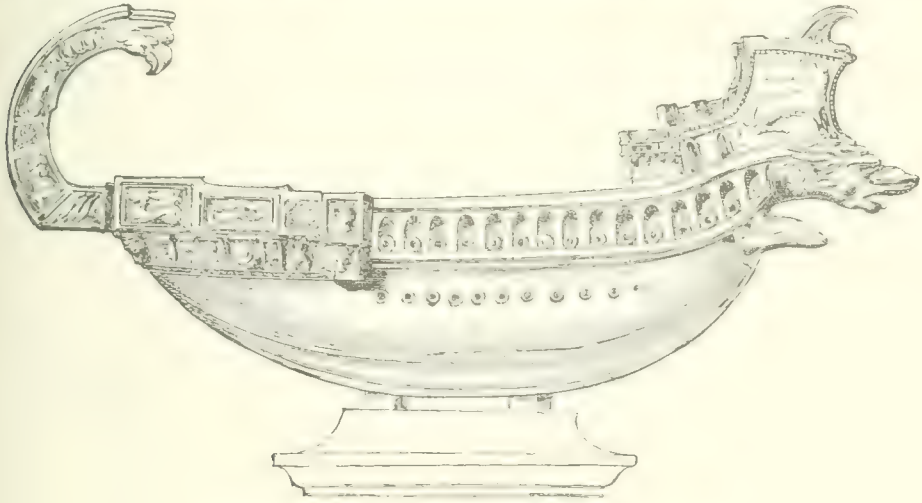
² Museum of St. Petersburg.

³ Pliny, *Hist. nat.* vi. 34. Cf. D'Avezac, *Afrique ancienne*, pp. 33 and 58. The Roman Maternus seems to have reached the Soudan (Ptolemaeus, *Geogr.* i. 8).

⁴ Museum of St. Petersburg.

⁵ Vol. III. pp. 49, 120, 148.

Barbaric nations came to buy and sell that a hundred and thirty interpreters were required there.¹ We cannot say that Roman or Greek merchants had not at this period traffic with China; and cities now inaccessible or entirely destroyed, as Petra,² Baalbec, Palmyra, "the ports of the desert," were crowded with a busy population exchanging the commodities of the Empire for those of



REPRESENTATION OF A SHIP SERVING AS A CUP.³

Babylonia and Parthia. "Every year," says Pliny, "we send to India fifty million sesterces in exchange for merchandise which is sold in the Empire at 100 per cent profit."⁴ Prices rose to such a height because there were many purchasers seeking for the goods and an abundance of money to pay for them.

Yet the old harsh formula that the stranger is an enemy had not been forgotten. To sell iron, corn, or salt to the Barbarians

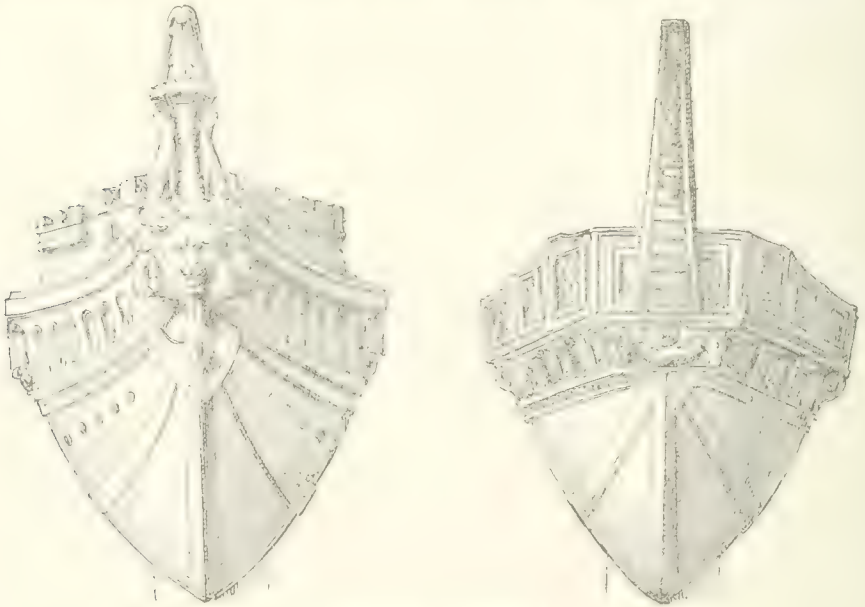
¹ Pliny, *Hist. nat.* vi. 5.

² Petra was not yet united to the Empire in Strabo's time, and still a large number of Roman merchants were found there (Strabo, xvi. 779). In the Arabian peninsula have been found traces of the working of gold mines, and Sprenger, in his *Géographie ancienne de l'Arabie*, believes that these operations were very considerable.

³ Piranesi, *Vasi*, ii.

⁴ Pliny, *Hist. nat.* vi. 26: . . . *Quae apud nos centuplicato veniunt*. In this passage Pliny speaks only of the commerce with India, the principal objects of which the *Digest* (xxxiv. 4, 16, sect. 7), in a curious enumeration, makes known to us. The Romans also lent much money with the Arabs, styled by the Romans "the richest people in the world," because the treasures of the Parthians and Romans came into their hands. "They sell the produce of their seas (pearls) and of their forests (odoriferous woods and incense), and buy nothing" (*Ibid.* 32).

was a capital crime, and the law sanctioned piracy towards peoples who had no bond of amity or alliance or contract of hospitality with Rome. On the seas and rivers of the Empire the government kept armed fleets¹ to make traffic secure: the merchants were also protected against barratry by laws borrowed from the experience of the Rhodians,² which decided questions of responsibility in accidents by sea. Those who brought about a shipwreck, pil-

PARTS OF A VESSEL.²

laged a stranded vessel, or plundered the shipwrecked, were subjected to the penalties declared by the Cornelian law against assassins.

Before landing, the merchandise must pass the custom-house, which was very strict. If the shipowner had put on board any contraband article, the vessel itself was confiscated: if the lading had taken place in his absence by the act of the captain or a sailor, the offender incurred the penalty of death and the merchandise was detained, but the vessel was restored to the owner.⁴

The cargo being cleared, the merchant sold his goods at auction.

¹ *Digest*, xxxix. 4, 11, sect. 2; xlix. 15, 5, sect. 2. *Caesar . . . lusorius navibus discurrere flumen ultro citroque milites ordinavit* (Amm. Marcell., xvii. 2, and xviii. 2).

² *Digest*, xiv. 2.

³ Piranesi, *ibid.*

⁴ *Digest*, xlvii. 9, 3, sect. 8; xxxix. 4, 11, sect. 2.

—an ancient practice which is attested by the first agreement between Rome and Carthage and by the tablets of the banker Juundus, found at Pompeii, existing throughout the whole Empire, where the words *vendere* and *venum dare* were synonymous.¹

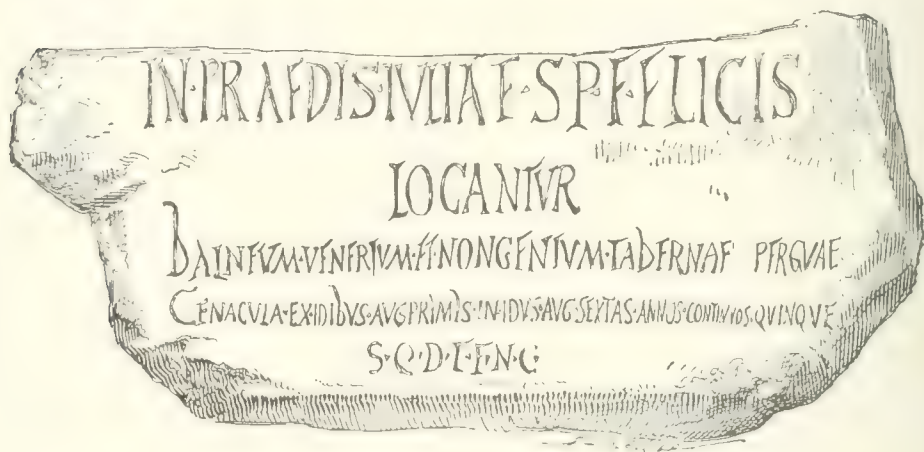
In order to insure honest dealing, standard weights and measures were kept in the Capitol and in the cities; and frequently a decree of the municipal senate ordered the *duumviri* or the *aediles* to make an unannounced inspection of the measures used by the merchants. Finally, banks of deposit, of payment and of loan, kept by *argentarii*, facilitated business transactions² and bills posted in the streets gave notice to passers-by of financial matters they were interested in knowing.

In this connection we may observe that, considered from an elevated point of view, commerce has at all times been one of the most powerful factors in the work of civilization. Not only does it interchange ideas as well as commodities, but it introduces into legislation much more than do philosophies and religions, those notions of equity which modify the teaching of the jurists. In the past ages of humanity priests and philosophers have established tenets thought out *à priori* and almost always exclusive in their character, while commerce—taken in the widest sense of the word, as being the relations between men of different states and races—has furnished those facts of experience which have loosed the straitened bond of systems. Interested, for example, in causing good faith to prevail in contracts, it gave to social relations rules

¹ Cf. De Petra, *L. Titulorum veterum de Pompeii*, and Callmer, *Rechtsgesch. d. d. ant.*, July, 1877. In vol. ii. of the *C. I. L.*, No. 2, 3, 9, mention is made of an imperial procurator charged with collecting the *portoria* or duties on sales by auction. We have given in Vol. V. p. 174, a facsimile of the tablets of Juundus.

² Amm. Marcell., xxvii. 9, and Cod. Theod. xii. 6, 19, and 21; Orelli, Nos. 4,342-4,350; *Digest*, xvi. 3, 8. M. Perrot, in his paper on *Le commerce de l'étranger à Athènes*, has shown to what an extent banking business was carried in the Greek cities. Three or four hundred years before the Christian era there were at Athens joint-stock companies and investors of funds receiving dividends. The bankers made advances on the deposit of title-deeds and articles of value; they had their account-books, wherein were entered receipts and withdrawals of funds, their agencies, and it not the bill of exchange, at least the cheque. Without possessing an official character, the bankers were the depositaries of documents and contracts which in modern times government officials receive. They made loans to the cities, and guaranteed in some form state loans. Roman legislation subjected the cession of incorporeal rights to numerous formalities; Athenian legislation, being much simpler, was probably in full force in the whole Greek world. [Cf. the chapter on the Business Habits of the Greeks in my *Social Life in Greece*.—Ed.]

more and more rational and just, which from the practice of business men necessarily passed into the teaching of the juriconsults. In our days, what is it that has opened the gates of Japan and China, and is to carry civilization into Africa? What on that continent will destroy slave-hunting, the state of perpetual war, and all the violent deeds and abominations which the slave-trade calls forth? Commerce,¹ which has been successful many a time where preaching had failed.



BILL POSTED IN POMPEII.²

The wealth of a people can be measured by the number of travellers it sends out. The travellers of that day were as numerous as ours—perhaps even more numerous than ours—of fifty years ago. Taste, as well as necessity, led men to undertake journeys. “A quiet, tranquil life,” says a poet of the first century, “in a man’s own home has no longer any charm. There is a love of visiting new cities, of sailing on unknown seas, of becoming a

¹ At a congress of Orientalists (September, 1875) a successful Lyonsese merchant, M. L. Desgrand, said: “With us the man of business knows that his contract, properly understood, enjoins on him honesty. In Asia the native acts towards the European as if he were convinced that cleverness in cheating makes it legitimate. . . . Accordingly, the European banks have been compelled to consider the signature of a native as absolutely worthless . . . it is requisite that drafts should be indorsed by a European to make their negotiation possible. Let commerce develop, and it is certain that the Asiatic will change his way of looking at things, and his civil life.”

² Translation: “In the inheritance of Julia Felix, daughter of Spurius Felix, is offered to let, from the first to the sixth of the ides of August, for a term of five years, a bath called Venus’s [ET NON GENIVM?], some shops, stalls, and upper rooms. They will not be let to any one exercising an infamous profession.” For the explanation of certain difficult expressions in this inscription, see *C. I. L.* iv. 66, *ad n.* 1,136.

citizen of the world.”¹ Accordingly, if Seneca is to be believed, one half the inhabitants of Rome, of the free cities, and of the colonies were only strangers led far away from the land of their birth by some voyage of business or pleasure.² How well does the Emperor Hadrian, the unwearied traveller, serve as the representative of his contemporaries!

The public post, instituted by Augustus and reorganized by Hadrian, always at the expense of the municipalities whose territory it traversed, could be employed only by government agents and those — a very limited number — who by special favor obtained from the Emperor the privilege of using it. But private enterprise came to the aid of ordinary travellers, and sought its profit from their tastes and wants by furnishing the means of satisfying them. Thus before his departure a man could seek on maps, in itineraries and guide-books,³ all the necessary information. At the gates of the principal cities he found the carriages and horses of the *retturini*; on the route, relays, lodging-houses, *mansiones*, and inns, where the proprietor was held responsible for injuries suffered by travellers while in his house. An inn at Lyons bore this inscription: “Here Mercury promises profit, Apollo health, Septumanus good bed and board. He who will stop here will find himself well off. Traveller, take heed where you stay!”⁴

It was a time when all the world was in motion,—the trader hastening to his market, the centurion to his cohort, the administrator⁵

¹ Manilius, *Astr.* iv. 509-13. The *Acta* of the martyrs of Lyons show how many foreigners, even Asiatics, there were in that city, and the travels of Saint Paul, of the apostles, and of other Christian believers, establishing continued relations between the churches, prove with what facility the longest expeditions were undertaken.

² *Ad Helv.* 6. He goes so far as to say, with his usual exaggeration, that in Corsica, notwithstanding the savage condition of that island, there were more foreigners than natives.

³ See in Vol. IV. p. 162, one of the vases or silver goblets found in the baths of Vicarello, on Lake Bracciano, in 1852. The Itinerary from Bordeaux to Jerusalem is a real guide-book, with geographical and historical information.

⁴ *Colleg. jumentariorum.* Cf. Henzen's *Index*; *Inst.* iv. 5, 3; Orelli, No. 4,329.

⁵ In a multitude of inscriptions the *cursus honorum* of the functionaries shows how frequently they changed their residence. There were centurions who in their military career had made the tour of the Empire two or three times; and similarly as regards the imperial legates. Thus a citizen of Laodiceia in Syria serves as a soldier, then as centurion in the *Xa Gemina*, cantoned at Vindobona (Upper Pannonia); in the *IVa Flavia* (Upper Moesia), *XIIa Fulminata* (Cappadocia), *IIIa Cyrenaica* (Arabia), *Xa Fretensis* (Judaea), *IIa Adjutrix* (Upper Pannonia), and *Ia Macedonica*, at Troesmis, where he died (L. Renier, *Inscr. d. Troesmis*, p. 36).

to his duties, the invalid to the healing waters¹ and the altars of the helpful divinities, the superstitious to renowned shrines² and famous oracles, the idler to festivals and solemnities, and the man of taste to places consecrated to history or art, to the architectural splendors of Rome, Greece, and Egypt, where he wrote his name on the Pyramids or the statue of Memnon. Every year the sun or the malaria drove the rich from scorching cities and the pestilential plain to the shady mountains with their murmuring waters, or to villas built out into the waves of a peaceful bay.

Others travelled more economically, — the student on his way to the great schools of Autun, Milan, Carthage, Tarsus, and Antioch, or those of Rome and Athens, Berytus and Alexandria, which eclipsed all the rest; the professor and the physician in quest of scholars or patients; the sage, the philosopher, and the scholar seeking knowledge in the schools or in the revelations of the mysteries;³ the artist seeking wealth and renown: the charlatan who explained dreams or exhibited curiosities; begging priests who carried their guardian divinity about the villages and stretched out the beggar's hand to the devout.

In their travels the ancients were brought face to face with a nature as it were impregnated with divinity, and at every step they came upon places full of mythological traditions which, without putting much faith in them, they yet loved to recall. The grand phenomena of nature, which to us are the results of general laws, were still for the majority of travellers acts of the divine will. They excited admiration, combined with a sort of religious terror; and those pantheistic beliefs which kept their ground in spite of the increasing scepticism, those legends constantly revived by their poets, sent numbers of tourists through the pacified prov-

¹ Inscriptions and authors tend to show that almost all the waters to which physicians now send us were in those days known and utilized. A residence in Egypt was already in vogue as a remedy for lung complaints (Pliny, *Epist.* v. 16), and milk-cures in the mountains, and even a stay in pine-forests. (See Friedländer, ii. 1-15.) Galen sent cases of phthisis, as we do, into warm, moist climates, with even temperature, — as, for instance, the Mediterranean sea-coast.

² See the *Syrian Goddess* of Lucian.

³ We have the accounts of many journeys made by Diodorus, Strabo, and Pausanias for history and geography; by Dioscorides and Galen for botany and medicine; by Apuleius to become initiated in the mysteries; by Apollonius of Tyana, the philosophers and rhetoricians whose wandering life Lucian and Philostratus describe to us, etc. The *Digest* (xxvii. 1, 6, sect. 1) speaks of grammarians, sophists, rhetoricians, and physicians as wanderers (*circulatores*).

nees. They had not our modern enthusiasm for "pleasing horrors," but all their literature shows how much they loved sweet, smiling Nature, the charming scenery of the sub-Apennine hills, the cool valleys, the forest full of shadow and silence, and the wide horizons of the sea.

Men still travelled for the gratification of the eye: some went even in search of the grand spectacles unfolded by Nature. How many, following the track of Hadrian, climbed Mount Aetna¹ and Mount Casius, as we ascend the Righi to see a sunrise! How many others imitated Sabinus, that friend of Lucian² who went to the very verge of the western provinces to hear the "hissing of the sun when it plunges into the waves," or, which was easier, to contemplate the mighty waves of the Atlantic tides! The bore of the Seine and the *marée montante* of the Gironde must have greatly astonished these dwellers on the shore of a tideless sea. The extensive remains of a Roman villa have been recently discovered in the Isle of Wight,³ where the nobility of England at the present day still seek out the charming situations which the contemporaries of Hadrian or Severus loved.

Those who wished to travel fast made from fifteen to twenty leagues a day: much more when the Emperor permitted the use of the public post. Thus it was possible to go from Antioch to Byzantium (nearly seven hundred miles) in less than six days,⁴ which gives a speed continued day and night of nearly five miles an hour; and more, if time for stoppages is allowed.⁵

By sea with a favorable wind the journey from Ostia to Fréjus took three days; to Cadiz seven; to Carthage two. It took six or seven days from the Straits of Messina to reach Alexandria.⁶ But

¹ The tower on Etna called the Philosopher's Tower seems to be a Roman ruin.

² *Apology*, 15.

³ Juvenal, *Sat.* xiv. 278.

⁴ At Morton Farm, near Brading (see plate). Some coins of Victorinus (268) were found there.

⁵ Friedländer, ii. 9.

⁶ Tiberius travelled 71 leagues in 24 hours (Pliny, *Hist. nat.* vii. 20), and Caesar often 100 miles (37 leagues) a day (Suet., *Caes.* 57).

⁷ Pliny, *Hist. nat.* xix. 1; Vegetius, v. 9. There are many instances of a speed of from six to eight knots per hour: this is the average of our sailing vessels. Suidas (s. v. ναῖς) assigns to the largest merchantmen 137 feet of length by 49 of breadth, which gives a measurement of about 1,500 tons. [It should be remembered that in calm weather, when our sailing vessels lie idle, the ancients had slaves to row, and so exceeded our sailing speed.—Ed.]

from November 11th to the 5th of March navigation was suspended, and all vessels were drawn up on shore, unless the Emperor was in haste to send an order to a province across the sea or a prisoner to his place of banishment.¹

The customs officers were then detested, as they are now. "We are angry with them," says Plutarch, "for rummaging our baggage to make sure that we have no merchandise concealed in it; and yet the law prescribes this. If they did not do it, they would be held responsible."²

Notwithstanding the organization of municipal police and of the military precautions taken from time to time by the Emperors, and of the severity shown to bandits, there was reason to fear, especially in mountainous districts, highway robbers.³ It was an endemic evil in the Taurus, in Corsica and Sardinia, even in Italy. The dangerous parts of the peninsula were the same then as now; the Pontine Marshes, the Gallinarian forest on the Campanian coast, and lower Italy. As is still the case, some of these bandits were famous for their exploits, their stratagems, and their generosity. A story which Dion relates resembles that of the legendary Frà Diavolo.

Severus was a strict disciplinarian; yet in his reign a bandit, Bullas by name, for two years ravaged Italy at the head of a band of six hundred men, notwithstanding the presence of the Emperor and of so many soldiers.⁴ This brigand knew what important personages were on the road from Brundisium to Rome; he fell upon them unexpectedly, and released them for a ransom. If he found in their company any skilful workman, he detained him, made the most of his knowledge, then sent him back after having paid him more liberally than a Roman senator would have done.

¹ Thus Cicero and Ovid when exiled were obliged to set out in the winter. On the suspension of navigation in winter, see Vol. III. p. 470, note 2.

² Plutarch, *De Curiositate*, 71.

³ In dangerous regions there were permanent posts. In 1865 was found on the bank of the Oued-el-Kantarah, where two roads intersect, the following inscription: *Burgum commodianum speculatorium inter duas vias ad salutem commerciorum* (*Annuaire de la Soc. arch. de Constantine*, 1866, p. 22). Another post kept guard over the valley of the Adige at the point where a great part of the commerce between Germany and Italy passed. A number of small forts erected along the Danube stopped the smugglers, as those of the Atlas checked the nomads, and similar forts were established on all the frontiers.

⁴ Dion, lxxvi. 10.

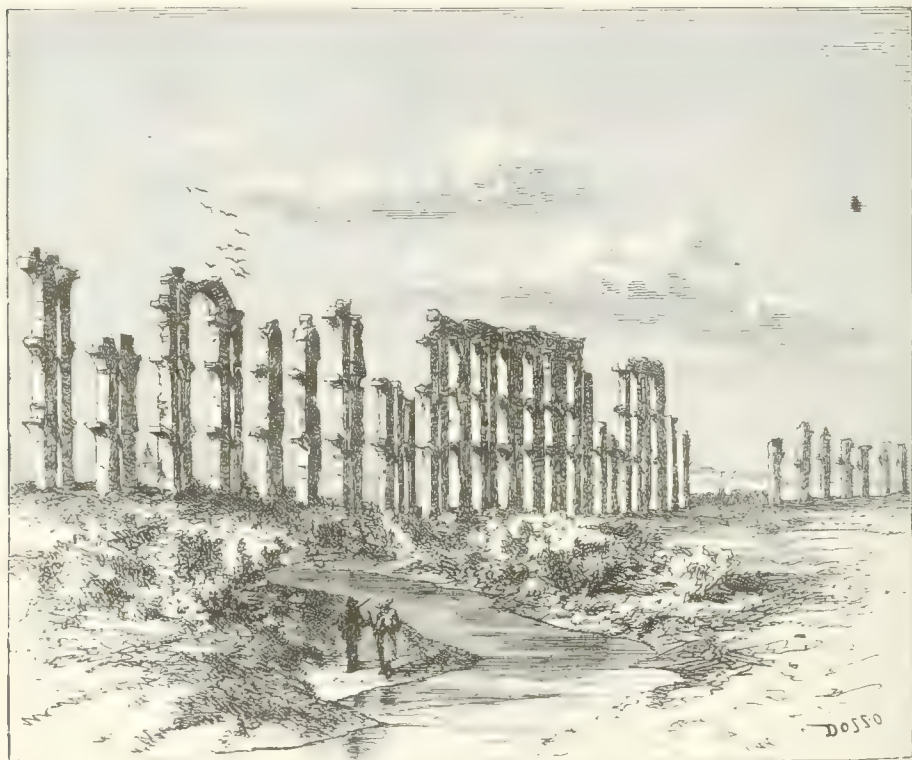
To save the lives of his comrades he risked his own. Two of his band had been taken and condemned to the wild beasts: representing himself to be the governor of the country, he appeared at the prison-gate and effected the release of the condemned. On another occasion he went to the centurion in command of an expedition sent against the band and offered to deliver Bullas up to him. The officer went with him: and being caught in the snare, found himself before a tribunal at which the bandit presided. The latter merely condemned him to have his head shaved, and then sent him back to Caesar with these words: "Go and tell your master: Feed your slaves, that they may no longer rob you." This bravado of Bullas cost him his life: for Severus, enraged, after so many victories, at being mocked by a bandit, directed more forces against him, and especially a cleverer man, who in his turn entrapped the robber. The inevitable woman of the dramatic narrative was not wanting here. Bullas, betrayed and given up by a Delilah of low degree, was taken while asleep. Papinianus asked him: "Why are you a robber?" He replied: "Why are you a prefect?" This insolent retort did not save him from the arena, where, although Dion does not state it, we may believe that he bravely encountered the Alpine bear and the African lion.

"Robbery," says the same writer in another place, "is in human nature, and robbers there will always be." In perverse human nature, we may say: but unfortunately such natures always exist. The Empire had therefore its share of them, and every year some merchant was held for ransom, some traveller carried off and sold as a slave.¹ But the general progress was not stayed. These were isolated incidents, to which the state and the cities gave no more attention than is given in free America to that which affects only the individual.

There are nations of which we rightly take no account, and periods which might have been omitted from history and humanity would have lost nothing thereby. But suppose for a moment that the Roman Empire had not existed: what a void in the world! Outside its frontiers the Barbaric world is torn by sterile convulsions, or the peoples vegetate in a miserable existence. In the

¹ Among the causes of legitimate hindrance from being at a certain place at a fixed time Septimius Severus admitted the *incursus latronum* (*Digest*, xxvii. 1, 13, sect. 7).

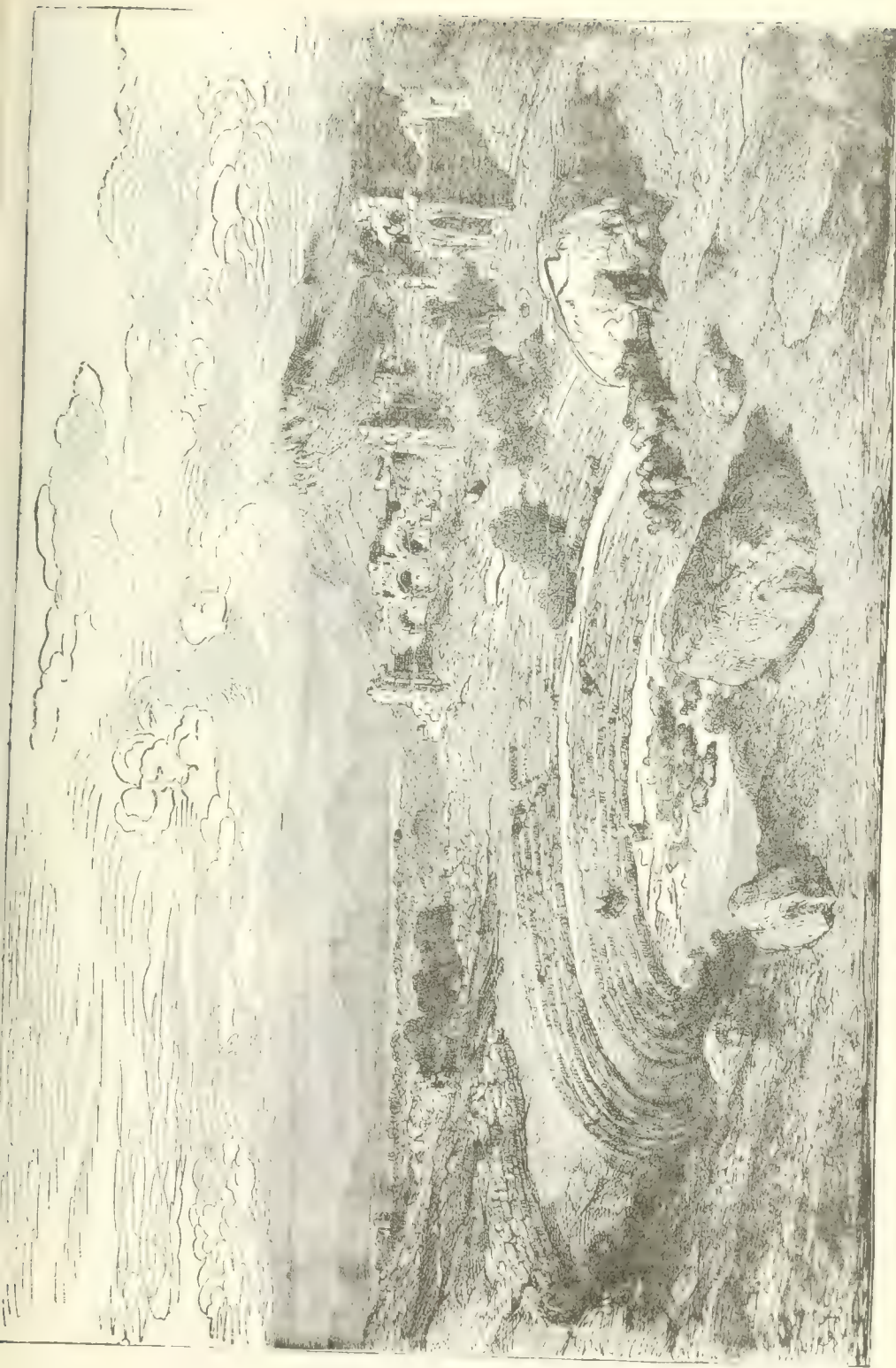
Roman provinces, on the contrary, there are just laws and order, and what a contemporary of Marcus Aurelius was near calling "all necessary liberties;" there are labor and property, and a security which, although still insufficient, was such as the world had never yet known; and, lastly, there was no envy or hate between the different classes,—all things which singularly increased the happiness of existence.



RUINS OF THE GREAT AQUEDUCT OF MERIDA (EMERITA AUGUSTA).¹

If with the picture which we have just sketched be contrasted that which represented the state of the provinces after the battle of Actium, we shall recognize the extent of the progress actually made. Better still, let us consider the ruins left by these peoples; let us go, for example, to the banks of the Guadiana, and in imagination reconstruct the ancient Emerita Augusta, colonized with veterans by Augustus. Observe its wall, fifteen miles in length, its theatre, its naumachia, its temples to Mars and Diana, its main

¹ Delaborde, *Voyage en Espagne*.



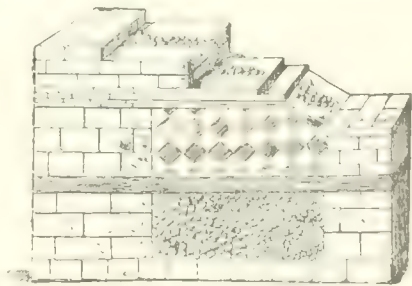
RUINS OF THE THEATRE OF EMERITA AUGUSTA (MERIDA).



street, having at each end a triumphal arch covered with white marble and having richly sculptured friezes. Two aqueducts, whose gigantic ruins by their imposing grandeur bring out in bolder relief the wretchedness of the modern city, brought pure water from the mountains. A great population went back and forth over its two bridges, one of which, wholly of granite and supported by sixty arches, is twenty-eight hundred feet long, and the other is still covered with the stout flagstones which the Romans laid down. An inscription found in the ruins of the theatre seems to say that the great Agrippa had a share in these gigantic works. In the neighborhood of Emerita were some hot-springs magnificently fitted up by a mother out of gratitude for the health of her daughter, which had been restored by them. The spring flows yet, as abundant and health-restoring as ever; but the Romans are no longer there, and it is almost lost in a swamp.

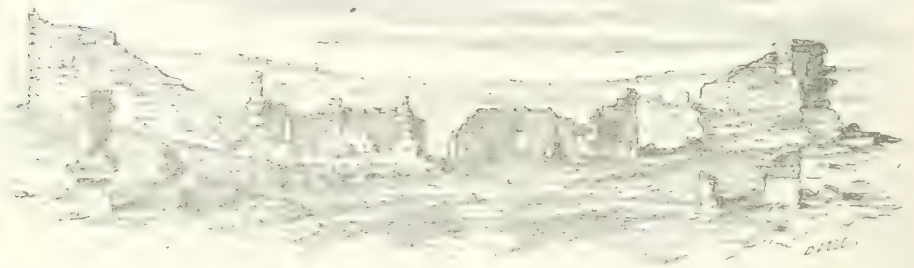
Elsewhere in the province imposing ruins such as the triumphal arch of Caparra, which now stands in a wilderness, the remains of a temple at Talavera la Vieja, or the bridge of Alcantara, show that flourishing cities, whose very names are lost, stood where **now** are only poor villages or miserable *posadas*.

Let us pass to the other extremity of the Empire. We will not speak of Palmyra, or of Baalbec, or of the dead cities, once so active, which dot the route from Damascus to Petra, in the province of Arabia. Let us stand on the arid plateau of Asia Minor, near the source of the Rhyndacus, and observe the immense ruins,—a theatre, a race-course, tombs, two marble bridges, three temples, one of which has colossal foundations, and another, of the Ionic order, is the most beautiful which has been found in the Asiatic peninsula. Upon these ruins may be read fragments of imperial letters and this sentence of a governor of the province: “The Emperor Hadrian has in his decision taken into account justice and humanity.” We seek in history the name of this city, but we do not find it. Accustomed to see so many prosperous cities, Aezani did not seem to the early historians to deserve special



SPECIMEN OF OPUS RETICULATUM.

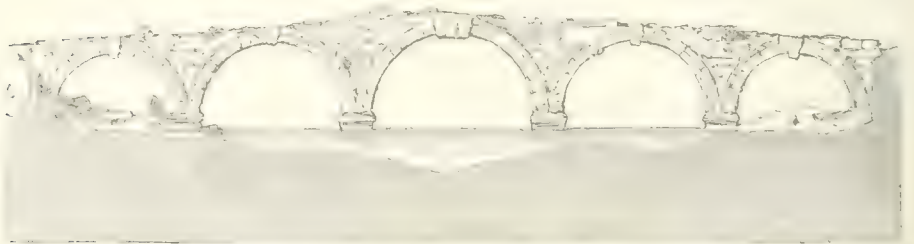
mention.¹ But we, looking at these magnificent remains which Rome has left at both extremities of her Empire, cannot fail to



RUINS OF THE THEATRE OF AEZANI.²

admire the activity which she knew how to stimulate in those places where for many centuries nothing but silence has reigned.

Macaulay observes that the English not having seen, since



ANCIENT BRIDGE AT AEZANI. PRESENT STATE.³

the Revolution of 1688, a hostile flag floating on British soil or a mob break through the gates of Whitehall or Westminster, the

¹ We find in Strabo only the name of the district, Ἀζαίρης (xii. 8. 11), and in Stephanus of Byzantium the name of the people, *s. v.* Ἀζαῖοι. The ruins are near the Turkish village of Tchafder-Hissar. Not all the ruins left by Rome are so fine or composed of such valuable materials, and here and there are to be found remains of buildings which are not worthy of this royal people. The cities used to build according to their means, often in great haste, in order to please the Emperor's taste and cheaply, to husband the municipal resources. Plenty of mortar was used, which was not always of the best quality: the stones found at hand were buried in it, and coarse masonry was faced with the *opus reticulatum*, which presented a good appearance, but had little solidity. See De la Blanchère, *Le Port de Terracine*, in the *Mémoires d'archéol.* of the *École française de Rome*, i. 347. There existed, at least in the following centuries, corporations of lime-burners (*calcis coctores*), who were obliged to burn the lime required for public buildings (*Code Theod.* xiv. 6, 1-5).

² Lebas and Waddington, *Voy. archéol.*

³ Lebas and Waddington, *ibid.*

public prosperity had in less than two centuries increased at an incalculable rate. During a longer space of time the same thing had been true of the Early Empire. Its peninsular provinces had increased a hundredfold in wealth. On the evidence of Strabo the prosperity of Egypt, so great under the Ptolemies, was nothing compared to that which the country enjoyed under the Romans.



ANCIENT BRIDGE AT ALANT, PROVENÇES.

and the Gauls, whose contribution was raised, in the middle of the fourth century, to an enormous sum, were grateful to the Emperor Julian for requiring of them only twelve times as much as they had paid to Caesar.

V. — THE JEWISH AND CHRISTIAN OPPOSITION.

UNHAPPILY all the inhabitants of this immense Empire had but one common bond. — the "Roman Peace." This was an interest, it was not an idea; and a nation is created only by community of ideas. There were even provincials who uttered protests against this well-being, and threats against this prosperity. While the greatest nations were submissive under the loss of their independence, monotheism, in the two forms which it had received at Jerusalem, refused to subject the external life of its adherents to the gods of the Capitol; and in spite of their small number, its believers armed themselves against Rome with the sword to fight and with words to curse. On two occasions the Jews had held in

¹ Lebas and Waddington, *ibid.*

check the forces of the Empire, and the Christians had brought upon themselves merciless judges. Their chiefs, the bishops, did indeed preach obedience to the established authorities; but in the heart of the new society was fermenting the implacable hatred of Isaiah against idolatry, and fierce sectaries forgot the mild Galilaean Master for the terrible Jehovah of the Exodus, the God of love for the God of vengeance. An apostle had given the example. In the days of Nero, Saint John had hurled at Rome his cry of malediction. Twenty-nine years later a Jew repeated, in the interests of Israel, the Christian Apocalypse of the year 68.

He said: "Thy rule hath been by terror, and not by truth. Thou hast destroyed the meek, thou hast hated the just and loved the men of lies. Thy oppressions have come before the throne of the Almighty; he hath consulted the times and hath seen that thy measure is full. Thus thou shalt disappear, that the world may breathe." It was after the fall of the Flavii, when Nerva trembled in the presence of the revolted praetorians, that a seer, concealed under the name of Esdras, testified that the hour of the great destruction was at hand. But Rome did not disappear; Trajan, on the contrary, adorned her with fresh glory, — an insolent good fortune turning the promises of Jehovah into derision. Accordingly, the Jews are ready to fall into despair. "Laborers, cease sowing the land," exclaimed a new prophet, "and thou, O earth! to bear harvests; what avails, O vine! the abundance of thy wine, since Sion is no longer? Ye betrothed, renounce your rights; ye virgins, adorn not yourselves with crowns; ye women, pray not to obtain children. Henceforth it is for the barren to rejoice and for mothers to weep; for why bring forth children in sorrow to bury them in tears? Priests, take the keys of the sanctuary, cast them towards heaven, restore them to the Lord, and tell him: Guard now Thy house. And you, virgins, who spin the linen and silk with the gold of Ophir, take it and throw it into the fire, that your enemies may not enjoy it. O earth! have ears, and dust, take a heart to make known in Sheol, and say to the dead: How happy are ye in comparison with us!"

When those defeats occurred which darkened Trajan's last days, the pseudo-Baruch believed that Jehovah had at last heard Israel's cry. To the view of this writer the Roman Empire was

a forest which covered the earth with its deadly shade; towards it flows a peaceful spring,—an image of the Messianic kingdom. On approaching the forest the stream is changed into a furious torrent which uproots the trees and mountains. A cedar alone remains standing; it is the Emperor in the midst of his exterminated legions. But in its turn it is overthrown, and the vine says to it: “Is it not thou, O cedar! who art the remnant of the forest of evil? Thou seizest what doth not belong to thee, and holdest in thy snares whatever draws near thee! Lo, thy hour is come! Follow the fate of the forest, and let the dust of both lie together!” The Emperor in chains is led to Mount Sion, where the Messiah slays him. The vine then spreads in all directions, the earth is clothed with flowers which do not fade, and the Messiah reigns till the end of the perishing world.¹ The vision of the seer of the year 117 was not fulfilled; but his threats and hopes doubtless helped to bring about the great revolt which fifteen years later Hadrian crushed.

The Sibylline oracles, more dangerous because they were popular, fomented in the bosom of the Judæo-Christian communities hatred against the Empire, and doctors of the Church were accustomed to prohibit public functions, and sometimes even military service, to Christian believers. These oracles did not limit themselves to smiting pagan society with loud reprobation, but they aimed at destroying it altogether. Put together according to the circumstances of the moment, they answered to the ideas which ruled in the extreme parties. These short, spirited compositions written in verse in order to be more easily remembered, and circulating privately,² filled the part which has in our days been played by certain journals and pamphlets inspired by the spirit of destruction. They

¹ This fragment and the preceding form part of the same apocalypse, which can be assigned to the year 117, and which was found about 1866 in the Ambrosian library of Milan. Cf. Renan, in the *Journal des Savants* for April, 1877.

² These oracles were so widely spread and seemed so odious to the pagans that the possession and reading of these books was prohibited under pain of death: *Sancita sunt ut libelli qui legunt Hæcaspis aut Sibyllæ aut Prophetarum libelli . . . quod quidem in perpetuum fieri non poterunt, imparale enim non solent illis libelli, etc.* (Saint Justin, *Apol.* i. 44.) It was, say the Benedictines (Preface to the works of Saint Justin, cap. vi. p. 84), the law *quæ futurorum curiosam inquisitionem prohibebat*. Saint Justin does not the less on that account declare to the Emperor Antoninus that the Christians constantly read them.

formed the radical opposition of those days. Their invectives against the rich, their threats against the society which they devoted to eternal flames, show an intensity of hate which foretells how terrible will be the war of creeds and the shock of these hostile peoples.

¹ IEPA BOYAH. Figure representing the Senate. On the reverse, AIZANEITON. Cybele seated, at her feet a lion. (Bronze.)



COIN OF AEZANI.¹

CHAPTER LXXXV.

GOVERNMENT AND ADMINISTRATION.

I.—THE EMPEROR AND THE NEW NOBILITY.

IN relating the history of the Empire from Augustus, we have exhibited this government in actual operation, and have shown the very simple parts of which the immense machine was composed. A few words will therefore suffice to sum up the details scattered throughout our narrative.¹

The Romans were by no means theorists, and they would not have been at all able to understand our discussion on the social contract. The city, the state, or, as the ancients termed it, the republic, had been originally organized for the purpose of mutual defence against external enemies, and not with the desire of securing the greatest independence to each man. This was the case also in the family and tribe, in which the father and chief respectively disposed of everything. The first necessity is to exist; and in ancient times men could not exist without a strong family and state government. More than any other people, the Romans were forced, by the historic surroundings of their national existence, to establish and to preserve this vigorous discipline. The citizen had therefore given up to the state every right, in exchange for security; or rather he had found himself naturally subjected under the Republic to the absolute power of the magistrates, even in the

¹ Dion Cassius, who was consul in 229 A. D., has left us a picture of the Roman government at the beginning of the third century. It is the discourse in which Maecenas is made to recommend to Augustus all that was done after him, even to the alimentary institution of Trajan (lii. 14-10). Dion is unable to imagine a better condition than that which he had under his own eyes, and the little that he adds to it — for instance, his sub-censor, an idea perhaps of Alexander Severus — does not impair the representation of the imperial constitution in the latter's time.

matter of his private life, which the censor penetrated, as under the Empire he was subject to the absolute power of the Emperor. In the former case liberty seems to have existed because it was able to move freely among those various annual magistrates who, being always two at the least in the same office, with the right of *intercessio* against one another, preserved equilibrium. This was the case in the best days of the Roman Republic. But these magistrates, equal in authority, could also come to a secret understanding instead of being a mutual check; thus it happened after the Gracchi, when a close aristocracy seized upon all public functions, even the tribunitian veto. This deviation from the constitutional principle became the law of the Empire. The prerogatives, formerly divided and given for a very short time, were, after Caesar, united, and relinquished to the Emperor during his whole life, in such sort that no man could veto an act of him who had no colleague, and that his decisions as judge were final, since the *provocatio ad populum* was impossible against the perpetual tribune, who, as representative of the entire people, acted in their stead. The suppression of the double right of *veto* and *intercessio* established absolute power; and here lies the sole difference between the republican and the imperial systems. At bottom, the idea of the complete sovereignty of the city or state exists in both, — represented at the period of the Catos, by many; at the time of the Caesars, by one alone. Thus the Empire seemed at first to be only a form of the Republic, as our fathers for a moment may have thought it to be when they read on their coins the double inscription: *République française, Napoléon empereur*.

This union of all powers in the same hand — that is to say, the permanency of the temporary dictatorship of the Republican period — once being accepted by some as the end of civil disorders and imposed upon others by the forty-five legions of Octavius, there was not, on the establishment of the imperial power, any great shock to the Roman world, nor any great change in its laws. Yet, however small the difference seemed to those then living, it was profound. A writer of the second century, Appian, says of it in his preface: "Caesar preserved the name and forms of the Republic, but seized upon all the power; and his successors have kept what he took. They are called 'imperators;' in fact they have

the authority of a king." The juriconsults speak in the same way with their customary rigor. "As circumstances had given the authority to a few," says Pomponius, "it came to pass that on account of factions it was found necessary to intrust to one man alone the government of the Republic when the Senate proved incapable of justly administering the provinces." This power was that of the most absolute king, since in this government there were neither hereditary bodies with the same interests as those of the Emperor, and yet capable of restraining him, nor those strong beliefs which, while surrounding royalty with a religious respect, yet imposed upon it certain reserves. The juriconsults had even taken pains to spare the Emperor all hesitation respecting his omnipotence by furnishing him with legal formulas derived quite logically from the principle of national sovereignty,¹ constituting the individual reason of one man the collective reason of the entire nation, and the Emperor's will the popular law. "The Emperor," said they, "is not bound to observe the law;"² the law is his good pleasure, and the administration of justice is the same, for he annuls decisions or revises them.³

Formerly when the people, gathered in their comitia, wished to act as legislator, there must be the Forum or the Campus Martius, the consecration by the pontiffs, the convocation announced thirty days in advance, the flag on the Janiculum, the proposal of a magistrate, leaving to the sovereign nation only the choice between yes and no; and the law when passed was still subject to the veto of the gods as uttered through the augurs. To make a decree irrevocable, to establish an ordinance requiring absolute obedience,

¹ *Nec unquam dubitatum est quin id (constitutio principis) legis vicem obtineat, cum ipse imperator per legem imperium accipiat* (Gaius, i. 5). In virtue of the *res majoris imperii* (Cic., *Cat.* iii. 6; Plutarch, *Cic.* 19; Livy, iii. 29, v. 9; Dion Halic., x. 25), he had the right of deposing any or all of the magistrates, even in the senatorial provinces.

² *Digest*, i. 3, 31: *Princeps legibus solutus est*. He even had by law the right of altering wills, at least those in favor of cities (*Digest*, l. 8, 1): and this was an old republican right, for it was anciently necessary, in order that a testament be valid, for it to have been accepted by the people in the *comitia calata*.

³ As perpetual tribune and invested with proconsular power, the Emperor heard appeals from the whole Empire (Suet., *Oct.* 33; *Digest*, xlii. 1, 27, and 33; xlix. 1). The ancient appeal to the tribunes or to a colleague *paris majorisve potestatis* had only a negative effect. The judge of appeal could annul the decision, but he could not alter it. The Emperor, or the judge whom he appointed, both annulled and amended. This right considerably increased the number of cases in the Emperor's courts, and was a cause of the increase of centralization.

the Emperor is hampered by none of those formalities which gave reflection the time to speak and wisdom the opportunity of second thought. Even Heaven itself cannot disturb his designs, for he is chief pontiff and he makes the gods speak according to his will.¹ A decree, an edict, a letter, a word, suffice; and he is not only absolute master over the law (*dominus legum*),² he is so over the property and persons of his subjects.³ Lastly, every year, on the anniversary of the Emperor's accession, the governors require the soldiers and people to renew the oath of obedience to this limitless will and this unchecked power.⁴ Caligula had already uttered the equivalent of the famous expression: *L'état, c'est moi!*⁵

The Emperor's relatives had no special privilege, except the Caesar, or heir-presumptive, of whom we shall now speak. The Empress was simply the head of the matrons; and to connect in her majesty of rank with purity of life, the Augusta was seated at the theatre in the midst of the vestal virgins.⁶

The Emperor, who was styled Your Eternity,⁷ or Your Holiness,

¹ All the religious difficulties which arose in the Empire were decided by the two colleges of the pontiffs and *quinddecimviri sacris faciundis*, of which the Emperor was chief. When he was unable to preside his place was taken by a *pro magistro*. From the day of his accession the Emperor was a member of the sacerdotal colleges.

² *Digest*, i. 1, 2, sect. 11; *Instit.* i. 2, 6; and Gaius, *Comm.* i. 5: *Constitutio principis est quod imperator decreto vel edicto, vel epistola constituit.*

³ See Theophilus on sect. 6, *de jur. nat.* in the *Institutes*: *Caesar omnia habet.* Cf. Seneca, *De Benef.* vii. 6, and Orelli, No. 1,114: *Legum domino, justitiae aequitatisque rectori.*

⁴ *Digest*, l. 1, 4; Pliny, *Epist.* x. 60. On January 3d solemn prayers were offered in the temples for the preservation of the Emperor (Pliny, *Epist.* x. 101).

⁵ *Νόμον ἡγούμενος ἑαυτὸν* (Philo, *Legatio ad Caium*). Under the Republic the edicts of the praetors and consuls were in force only during the time of their office; the Emperor being perpetual consul, his rescripts were in force for the whole of his reign, and remained law after his death if, in proclaiming him *divus*, the Senate had consecrated his acts, which could be altered only by the contrary act of a successor.

⁶ Tac., *Hist.* iv. 16. Faustina bore the title of *mater castrorum* (Dion, lxxi. 10). The expression, "the imperial throne," which is so often used, is quite erroneous, the Emperors of the first two centuries having used only the curule chair of the consuls. This is especially the case as regards the Antonines, who professed to be unwilling to wound republican equality. In speaking of his accession to the imperial dignity, Antoninus said: "On the day when it pleased the gods to intrust this post to me" (*Quo me sumere hanc stationem placuit*).—*Letter to Fronto*, 6.

⁷ Trajan allowed Pliny to swear by his eternity; the modest Antoninus called himself *mundi dominus* (Rescript to Eudem. Nicom., *Digest*, xiv. 29); and Fronto, speaking of this Emperor, wrote: *περὶ τοῦ μεγάλου βασιλέως ἄρχοντος γῆς καὶ θαλάσσης* (*Ep. ad Marc.* ii. 7). Elsewhere (*Ep.* 8) he calls Antoninus *Sanctissime Imperator*. Wine and incense were offered to the imperial statues; as regards the word *dominus*, Pliny, under Trajan, still applies it only to the Emperor; but under Marcus Aurelius, Fronto bestows it on everybody. Whatever might be his descent, the new Emperor was at his accession admitted a member of the patrician order.

wishes to be obeyed even after his death. If he has a son, the latter succeeds him. If not, adoption gives him one, whom he calls Caesar and Prince of the Youth, — that is to say, chief of the knights, — whom he invests with the consular and tribunitian powers, and to whom pass without difficulty on the day when The Eternity dies, the remaining titles and powers. These are given him by a *senatus-consultum*, and this decree of the Conscrip[t] Fathers is called the “Royal Law.” In fact, while there are any children, — that is, either natural heirs or those made so by adoption, — heredity exists, under the guaranty of the *donaticum* to the soldiers and with the formality of the senatorial assent.¹ In law, election is the constitutional principle, and this principle is applied by the Senate, but more frequently by the legions, which, entirely composed of citizens, seemed to represent the true Roman people; once even, in the case of Gordian III., it was so by the populace of Rome. But this election, the result of a surprise, of violence, or corruption, is always the work of ambitious men, and never that of the nation, which has no means of intervening in the choice of its master, either actually of itself, since it is scattered over the whole surface of the Empire, or by its representatives, since it did not appoint any, and moreover was partial to the imperial authority, without even caring to know who possessed it.

Tacitus remarks, when speaking of the delays of the corn-ships, that the life of Rome was at the mercy of the winds and waves. Of the entire Empire we may say that its repose and security depended on the twofold hazard of circumstances and men. This people, under the Republic so far-sighted, had been able to foresee nothing under the Empire, and a hundred million of men intrusted their lot to the “blind divinity.” “We have built a thousand temples to Fortune,” says Fronto to Marcus Aurelius, “but not one to Reason.”²

What, indeed, would this reason have counselled? Doubtless many things which history discerns, but which the men of those

¹ The fact of Maximin having reigned *sine decreto senatus* seemed extraordinary.

² He calls Fortune *deorum principium* (Letter 5). See the passage in the elder Pliny (ii. 5) on Fortune, “whom in every place, and at all times, is invoked or accused . . . who, according to men, alone regulates the active and the passive, and who has been made God, she who is the very negation of the Divinity” . . . *ut sors ipsa pro Deo sit qui Deos probaverit incertus*.

days did not see. While it is true that a few men under the first Emperors regretted the Republic,—that is, the absolute power of two hundred senatorial families,—their opposition had not been popular. Even Tacitus did not desire a new organization of power, and he almost blamed Thrasea for his useless sacrifice.¹ Philosophy reproduced Plato's thesis: namely, that the best government was that of one man, representative of the gods on earth and ruling everything with wisdom.² In the Empire, that which delights Aristeides, as it did all the provincial writers, is the part which the Emperor fulfils of chief justice, *δικαστῆς μέγας*, protecting the fortune and honor of each and all.³ Philo had said as early as Caligula's time: "It is not fitting for the power to belong to many." Bosuet in the time of Louis XIV. speaks similarly. It is because, in certain respects, the two powers are alike. As the kings of France took the place of the feudal lords, so the Emperors took that of the republican proconsuls,—a revolution which, at both periods, was thankfully received by the people. The provincials knew well enough that absolute monarchy also has its dangers, and in the third century they sought separation from the Empire, which was no longer able to defend them; but up to the time of which we now speak they continued to regard it as the best guaranty of their interests.⁴

Thus, to secure obedience, this government had no need either of soldiers in the cities or of numberless agents in the provinces. Its armies were on the frontiers facing the enemy, and we shall shortly see how few in number were its functionaries.

In reality, never did any government encounter fewer adversaries, though it was the object of innumerable competitions. No man since Chaerea had proposed to change the Empire. But to change the Emperor had been frequent. Let any man, indeed, make himself a god upon earth, without being protected in his usurpation by the absolute confidence of the people in his personal

¹ *Sibi causam periculi fecit, ceteris libertatis initium non praeiuit* (Ann. xiv. 12).

² *Optimus civitatis status sub rege justo est* (Seneca, *De Ben.* ii. 20). . . . *Electus qui in terris deorum vice fungeretur* (*De Clem.* i. 1).

³ He still calls him *ἄρχοντι καὶ κοσμητῇ*, he who commands and co-ordinates the collective life of all parties (*De Roma*, p. 213).

⁴ *Ἡ πολιτεία πρὸς τὸ βέλτιον καὶ πρὸς τὸ σωτηριωδέστερον μετεκοσμήθη* (Dion, liii. 19). Cf. *id.* xlv. 2, and Tertullian, *De Pallio*, i. 2.

character, and he will present a temptation to the ambitious to overthrow him and seize so splendid a position. The Empire will therefore have the life it deserves: namely, a succession of revolutions, not of political doctrines, but of persons. The happy intercalation of the Antonines was a lull which will never again occur, because one cannot count a second time on such a miracle as a succession of able men who through wisdom will impose upon themselves that moderation which institutions did not enjoin. Accordingly, the convulsions which had preceded the reigns of Vespasian and Trajan will re-appear after Marcus Aurelius with a more disastrous force; on the accession of Diocletian, out of forty-nine Emperors, without speaking of "the thirty tyrants," only eleven or twelve can be reckoned who died a natural death.

Who could have averted these disorders? Was it the Senate? This assembly had been renewed by the Flavians and Antonines. The old Roman families, destroyed by many causes, were rapidly disappearing. The second triumvirate alone had cost the life of three hundred senators and two hundred knights: such are the results of civil war. Under Claudius, thirty-five senators and three hundred knights perished. But how can we count the victims of Caligula, Nero, Domitian, and the murderous anarchy of the years 68 and 69? As far back as the days of Augustus and Tiberius there was a failure of patricians for religious functions, and in almost every reign the Emperors were obliged to create new senators. To fill up the gaps in the depopulated curia, Claudius opened it to the Gauls, and Vespasian to the nobles of the whole Empire. It was not at all from caprice, but from necessity; for the equestrian and senatorial orders, whence proceeded all the servants of the public administration, did not at that time amount to more than two hundred *gentes*. In order to reconstitute the exhausted aristocracy, the first of the Flavii summoned to Rome from the provinces a thousand municipal families.

What Vespasian did for the administration it was necessary also to do for the judicial office. At Rome the five *decuriae* of judges, composed of knights and *ducenarii*, were reduced like the Senate; they were filled up by provincial knights. Pliny, an old Italian who understands neither this necessary policy nor that historic law that close aristocracies do not last, exclaims with grief

(xxix. 8): "At the present time a man is summoned from Cadiz or from the Pillars of Hercules to decide in the most trivial cases."

Consequently, a hundred and twenty-eight years after the battle of Actium the provincials had invaded all things, even the supreme power, and not a single Roman by descent will ever again enter as master into the palace of the Julii and the Claudii. Cicero had said before the entire Senate (*Philipp.* iii. 6): "How many are there among us who are not sprung from Italian municipia?" Concerning all men of any consideration at Rome and in the Empire, it might now be asked: "How many are there who do not come from the provincial cities?" *Sic vos non vobis*. Vergil had not foreseen that the subjects of "the Romulidae" would so quickly become their heirs.

These Spaniards¹ and Gauls, sitting in the Palatine, continued the policy of the Emperor who had made their fortune. Trajan gave the consular toga to a Mauretanian chief, Lusius Quietus; Hadrian to the descendant of a Galatian tetrarch;² Marcus Aurelius to several Africans.³ Two Numidians, Fronto and Proculus, received Asia,⁴ the province which was regarded as the leading government of the Empire. The proconsulship of Africa was the second. About the year 146 this was given to a Paphlagonian, who took as assessor or member of his council a decurion of Amastris, his native city.⁵ From this same province of Africa were to proceed one after another three Emperors and an eminent juriconsult.

Great distrust was felt of the Egyptians and Greeks, who had a bad name at Rome, and entered the Senate much later,⁶ — the former in Caracalla's time, the latter under the Antonines, half Greek princes, who purposely surrounded themselves by those whose language they spoke. Arrian, Atticus Herodes, the Quin-

¹ The second personage in the Empire under Trajan, namely, Licinius Sura, was a Spaniard like himself, a native of Tarragona or Barcelona (*Martial, Epigr.* i. 50, and *C. I. L.* Nos. 4,282 and 4,536-4,548).

² Waddington, *Fastes des prov. asiat.* p. 218.

³ *Alii quoque plurimi sunt in senatu Cirtenses clarissimi viri* (Fronto, *Ad Amic.* ii. 10).

⁴ Fronto's illness prevented him from taking possession of his government. Proculus was from Sicca.

⁵ L. Renier, *Comptes rendus de l'Acad. des inscr.* 1874, p. 200.

⁶ Appian, who was of Alexandria, was invested with an important office in Egypt, which the word *ἐπιτροπεύειν* does not clearly indicate; but he did not become a Roman senator.

tilii,¹ Quadratus of Pergamus, and many others, obtained the consulship about that time. The father of Dion Cassius, a Bithynian, governed Cilicia and Dalmatia; the father of Avidius Cassius, a Syrian, held the prefecture of Egypt, which a Jew, Tiberius Alexander, and a descendant of the kings of the Commagene, Balbillus, had also held;² and finally, Marcus Aurelius gave one of his daughters in marriage to a knight of Antioch. Thus was effected the mixture of nations.

Martial and Juvenal, forgetful of their obscure birth, complained bitterly of the invasion of these knights hastening to Rome from the depths of Syria, Cappadocia, and Bithynia, — sons of slaves, who left neither room nor wealth to the genuine descendants of Numa."³ What would they have said if they had seen the Illyrian region furnishing later its contingent of generals, senators, and emperors? Thus, as the result of an inexorable law which was caused by the spread of Roman civilization outside Italy, and also as the result of the general prosperity of the period, there came for each province a time when the men whom the control of municipal affairs had trained, or whom commerce had enriched, were naturally called upon by the state for her various services. In the second century this new nobility were the senators at Rome, the higher officers in the army, and in the administration everywhere held the chief places. Their morals were better, their ideas more just; they did not regard the Empire as a usurpation of their rights; and the most ardent wish of their great interpreter, Tacitus, went no farther than to implore the gods that they would continue to give the world such emperors as Trajan.

Rome in the time of the Antonines was no longer, as under the Caesars and the Flavians, the scene of those continual intrigues against the Emperor and those retaliatory murders of inexperienced conspirators or of innocent victims. The new aristocracy did not form conspiracies, except at wide intervals and as the last traces of a

¹ The Quintilii were of Alexandria Troas, and were consuls under Antoninus (Washington, *Fastes des prov. asiat.* p. 229). For Quadratus, see *ibid.* p. 219.

² Respecting this Jew, cf. L. Renier, *Conseil de guerre de Titus*, and about Balbillus, Letronne, *l'usur. d'Égypte*, ii. 359. The great architect Apollodorus was of Damascus, Galen of Pergamus, Ulpian of Tyre, and Papinian of Phœnicia.

³ Martial, *Epigr.* x. 76; Juvenal, *Sat.* iii. 81, vii. 14.

habit acquired by tradition from its predecessors. At most it only circulated little scandals respecting Trajan's suppers, the intimacies of Hadrian, or the insolence of the two Faustinas. Seneca says that Egypt set its wits to work to commit rude acts against those who governed it.¹ Rome in this matter kept pace with Alexandria. This petty gossip which the fault-finding spirit of great capitals hawks about daily from house to house is the tribute paid by power, by beauty, and by virtue, or sometimes it is the punishment of vice; and this tribute is paid by intelligent rulers without annoyance. Sprung from the ranks of the new nobility, the Antonines understood well their class, and knowing they had nothing to fear from it, showed it a confidence and respect which preserved a cordial peace between the palace and the senate-house.

But in the heart of this nobility was a corrupting germ, — freedmen had crept into it in great numbers. Curtius Rufus, a consul under Tiberius, was son of a gladiator; Vitellius was reported the grandson of a slave; and from Nero's time it was said that many of the senators and the majority of the knights had no other descent.² When certain old Romans, from wounded pride, objected to one of these parvenus on account of his low extraction, the Emperor replied: "He is the son of his deeds."³ That was the motto of the new policy. Unfortunately, while among these former slaves who by dint of intelligence — sometimes also by unworthy means — had attained liberty and wealth, there were some capable of being excellent senators, very few of them had the ability to found those families wherein traditions of virtue and of self-respect prepare good citizens for the state. They understood public affairs and conducted them well, but their sentiments were rarely elevated with their fortunes: to mental flexibility corresponded a pliability of conscience; and the moral sense, the care of personal dignity, were often wanting in men who, having as their paternal heritage the remembrance of the humiliations of servitude, were, like the Rufus of Tacitus, "base flatterers of the

¹ *Ingeniosa in contumelias praelectorum provincia (Ad Helviam, 17).*

² Tac., *Ann.* xiii. 27: . . . *Plurimis equitum, plerisque senatoribus non aliunde originem trahi.* In the time of Pliny, the praetor Largius Macedo was the son of a freedman, — a fact which did not prevent him from treating his slaves so harshly that they killed him (*Epist.* iii. 14). The Emperor Pertinax was of the same condition (Dion, lxxi. 22). Under Caracalla a man who had been a slave was made senator (*Id.*, lxxviii. 13).

³ Tac., *Ann.* xi. 21.

powerful, haughty towards their inferiors, disobliging towards their equals." In this way it came about that the Senate of the Antonines, politically more upright than that of the last days of the Republic and of the first century of the Empire, but containing impure elements, had at the same time so much experience in affairs and so much severity towards the Emperor.

II. — THE SENATE AND THE KNIGHTS.

JUDGING by appearances only, the Senate occupied an important place on the political scene: and its members seemed so indispensable for the proper guidance of affairs — or rather their residence in the provinces appeared so dangerous — that they were not permitted to leave Italy without the Emperor's permission. The Senate appointed to offices and gave legal decisions;¹ it administered and legislated; it watched over religion and the public treasury (*aerarium*); it exercised the most minute police control and political duties of the gravest consequences, at one time receiving foreign ambassadors or declaring the Decebalus a public enemy and beginning a serious war, at another authorizing some individual to establish a market on his lands,² or forbidding advocates to take fees from their clients. The senators said to themselves that they were the heirs of the national sovereignty: that they possessed more prerogatives than the Republican Senate: that, in fine, they were the source of all authority, even for the Emperor (*lex regia*). They saw the latter seek from them the confirmation of his title, sit with them as a colleague, and call himself only "the first of the Senate" (*princeps*). They shared with him the royal right of coining money. The Emperor, it is true, had reserved to himself the privilege of issuing gold and silver coin: but the bronze pieces were struck by the Senate and bore its signature: S. C.³

¹ All was so little fixed in this constitution that the Senate believed itself able, even in the course of a suit, to change the law, the application of which was the point in question: thus in the suit of Bassus (Pliny, *Epist.* iv. 9): *Senatus lect et mitigare leges et interpretari.*

² Pliny, *Epist.* v. 4. There is another example in the *Ephemeris epigr.* vol. ii. fasc. iv. p. 271, of a similar senatus-consultum of the year 138 found in 1875 in Tunis. Cf. Pliny, *Epist.* v. 14 and 21.

³ Yet we have seen, at p. 162, that a number of cities in the eastern provinces had kept

Lastly, at the Emperor's death the Conscript Fathers decreed him either heaven or the Gemoniæ; they proclaimed him either a god or a tyrant, and either annulled his acts or confirmed them. The curia was moreover the great school for the officials of the Empire. To be placed at the head of a legion or of a province a man must belong to the Senate. Certain commands even were reserved for the ex-consuls; and this was one of the reasons which now obliged the creation yearly of eight or even twelve consuls, designated by the Emperor and appointed by the Senate, who gave them the curule chair and the ivory wand.¹ The terms of ancient politeness became official titles, and "the Magnificent Order" was now composed of those illustrious personages, "the *Clarissimi*." Their children, even the daughters, were thus addressed.²

What pomp in the forms employed! What splendor in the externals! And what a powerful personage the Roman senator must have felt himself to be who took his position seriously enough not to laugh, like the augur, on meeting with a colleague! But the Senate is only a useful machine; and Pliny, who styles the most respected of the old magistracies a vain shadow (*inanem umbram et sine honore nomen*),³ portrays in his liberal Emperor an absolute master even of the property of his subjects.⁴

But let us enter the curia for a moment and see these men at work who bear so grand a title; the Official Journal of that time allows us to be present at a sitting. We are in the year 222. Elagabalus has just been murdered, his corpse dragged through the streets of Rome and cast into the Tiber, and the soldiers have proclaimed Alexander.

"Extract from the proceedings of Rome, the eve of the nones of March." The assembly is numerous; it invites the Emperor to be present in the house, and on his entrance salutes him thus:

the right of coining silver money (*aurei*) and copper. This right of the Senate and the cities was important, "for it prevented the Emperor from uttering coin of a fictitious value" (Mommsen, *Hist. de la monnaie rom.* iii. 12).

¹ L. Renier, *Comptes rendus de l'Acad. des inscr.* 1873, p. 105, and *Hist.* Aug. *Aurel.* 13.

² Orelli, No. 922, for the times of Severus; *ibid.* No. 3,717: *clarissimi pueri*, and No. 4,911: *clarissimus juvenis*.

³ *Epist.* i. 23.

⁴ See Vol. V. pp. 263-4. Had the *senatus-consulta* the force of law? One could hardly doubt it, says Ulpian (*Digest*, i. 3. 9). "It is a question," replies Gaius (*Inst.* i. 4).—"a purely theoretic question, for in fact the Emperor was the master."

"Virtuous Augustus, may the gods protect you !

"Emperor Alexander, may the gods protect you !

"The gods have given you to us : may the gods preserve you !

"The gods have snatched you from the hands of a lustful man ; may the gods watch over your years !

"You have suffered like ourselves under a wicked tyrant ; the gods have destroyed him : may the gods protect you !

"We shall be happy under your rule : the Republic will be happy : may the gods grant long life to Alexander !"

The Emperor having thanked the assembly, it cries out anew :

"Antoninus Alexander, may the gods protect you !

"Antoninus Aurelius, may the gods protect you !

"Antoninus Pius, may the gods protect you ! We beg of you to take the name of Antoninus.

"In you is our safety, in you our life, in you our happiness !

"Long life to Antoninus Alexander ! For the sake of our welfare let him bear the name of Antoninus !

"Let an Antonine consecrate the temples of the Antonines !

"Let an Antonine triumph over Parthians and Persians !

"In you, Antoninus, we possess all ; by you we obtain all !"

The Emperor resists ; seven or eight times the senators, without ceasing, repeat in chorus the same acclamations : and not being able to triumph over the honest obstinacy of Alexander in refusing a name which seemed too grand to bear, they suddenly adopt another manœuvre, which is carried out with the same harmony, in order to compel this young man, who as yet has done nothing, but whose name happens to be Alexander, to take the title of "the Great," given to the Macedonian hero after the conquest of Asia. The clamor begins anew. I will not repeat it, for the modern reader could not tolerate these litanies of insipid flattery. The Emperor remaining firm, they now begin boasting of his moderation, and on this theme continue for a long time, "according to usage," says the historian (*ex more*).¹

¹ Lampridius, *Alex. Sev.* 6-12. Yet the historian has a reason for saying *ex more*, for these acclamations were a very old usage, which was followed at festivals, assemblies, the theatre, and at public recitations. What seems ridiculous and vulgar to us was then a national custom and a serious affair. There was in it a certain cadence, with a kind of musical modulation. Suetonius says of Augustus: *Reverentem et precantem ac libenter acclamantibus prosequabantur*. Nero regulated these acclamations, the number of which was given in advance by a master of ceremonies, *ἐπεβόωντες τὰ τε ἅλλα ὅσα ἐκείνου μετὰ* (Dion. lxxii. 20), and they were so much in use that we meet with them in the Church (Saint Augustine's Letters, No. 213 ; in the councils, — at that of Ephesus in 431, for example, — and they still existed at Constantinople in the tenth century, and in France upon the consecration of the Capet kings where the people approved, crying three times, *Vous le consacrez*.

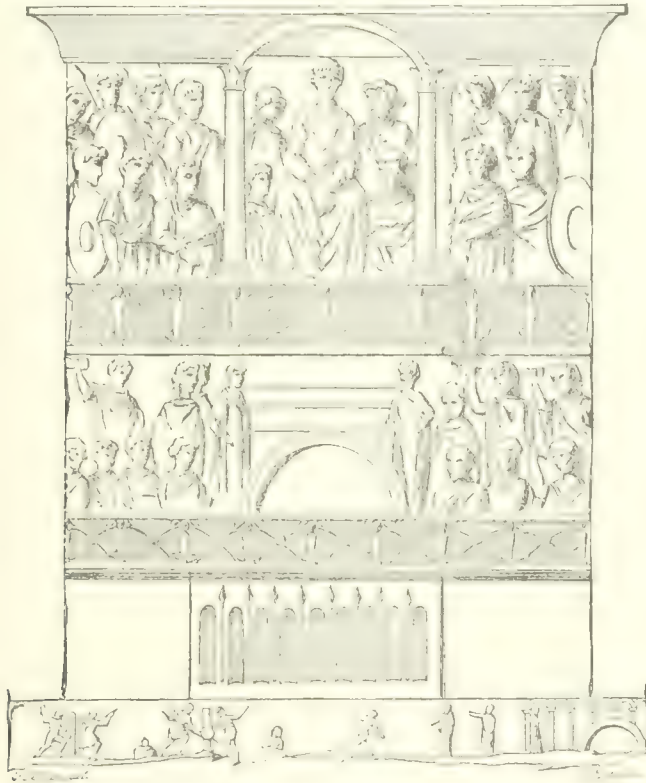
It may be urged that the Senate of Alexander Severus had passed through such ordeals that it might well have lost all dignity of character: but let us look at the Senate which Marcus Aurelius had left his son, — the Senate of the Antonines. He who speaks is an eye-witness and a man of consular rank:¹ “The games lasted fourteen days; the Emperor [Commodus] took an active part in them. All of us senators did not fail to be present with the knights. The aged Claudius Pompeianus alone remained absent. He indeed sent his two sons, but he never came himself, preferring to incur a violent death by his absence rather than to see the chief of the Empire, the son of Marcus Aurelius, giving himself up to such sports. According to the orders we had received we made different acclamations and repeated these unceasingly: ‘You are our master, the first rank belongs to you! You are the most fortunate of men! You are conqueror! You shall be so! From time out of mind you alone are conqueror, O Amazonius!’” And a little further on: “The Emperor did something else which seemed to presage certain death to the senators. Having killed an ostrich, he cut off its head and advanced towards the places where we were seated. He held the head in his left hand, in the right his sword, still covered with blood, and directed its point towards us. He did not utter a word; but shaking his head and opening his mouth wide, he made us understand that he would treat us as he had treated the ostrich.” There was good reason to tremble. Yet some of the senators, less struck with the danger they were incurring than with the grotesque appearance of this vanquisher of a peaceful bird, whose head he was carrying in triumph, so far forgot themselves as to smile. “The Emperor would have killed them on the instant with his sword if I had not suggested to those who were near me to pluck some laurel-leaves from their wreaths and chew them, as I was doing, so that the continued movement of our lips would prevent him from being quite sure that we had laughed.” There is no need of other evidence to attest the servility of the Senate.

On the other hand, it would be easy to cite, on the part of many of the Emperors, both respectful words and acts of external deference towards this exalted assembly: but it was merely a

¹ Dion Cassius, lxxii. 29. See another scene, lxxvi. 8.

matter of politeness. The most courteous Emperors renounced not one of their valuable rights. In reality, under the Empire the Senate played no political part: or at least it had that only which the Emperor was pleased to give it.

Some learned men, who unite in themselves much imagination and much knowledge, have endeavored to see in the history of



ACCLAMATIONS AT THE CIRCUS IN THE PRESENCE OF THE EMPEROR.¹

the Empire a struggle of three centuries between Caesarism and the Senate, till the reform of Diocletian. This is giving more importance to formulas than they deserve. The senators conspired against the Emperor; but between them and him there was never a political struggle.

We are already familiar with the judicial and administrative powers of the annual magistrates who sat in this assembly;² the

¹ Bas-relief of the pedestal of the obelisk of Theodosius at Constantinople (*Diet. des Ant.* fig. 36, p. 19).

² See Vol. IV, p. 89 *et seq.*, with notes.

eight¹ consuls, the eighteen praetors,² the ten tribunes, the six aediles,³ and the twenty quaestors. Their prerogatives, though still considerable, were without independence; so that the incumbents of magistracies which had been the executive power of the Republic, while holding a very important place in the administration, held but a very trivial one in the government. It would be useless to spend time in attempting to delineate the vague outlines of shadows like these. History indeed devotes itself to the dead, but to the dead who have once been alive. While the political insignificance of the Senate and its dignities is but too easily shown, and baseness of character was an inheritance which many of the Conscript Fathers of servile origin had legitimately obtained, yet we must regard this assembly as the grandest school of administration which has ever existed. At eighteen years of age, when active life claimed him, the young noble who proposed to himself a public career in the state entered the army, where he passed the stormy years of youth receiving military instruction as a cavalry officer;⁴ he then entered the vigintivirate,⁵ and completed in the courts his legal education, which he had begun with some jurisconsult of renown. After this twofold training in the Forum

¹ Four under Nero; six under Vespasian, namely, two, those whose names are in the Fasti, and are called *cons. ex Kal. januariis*, serving six months, and the other four, three months; eight, and sometimes twelve, from Trajan to Constantine. Commodus appointed as many as twenty-five in one year. Public acts were, from Augustus to Caracalla, dated from the consuls in charge, whether they were *suffecti* or not (L. Renier, *Comptes rendus de l'Acad. des inser.* 1875, p. 165).

² These sixteen or eighteen praetorships were drawn by lot by candidates whom the Emperor had designated (Tac., *Agr.* 7).

³ The offices of tribune and aedile were co-ordinate, so that a man might hold one or the other, but never both successively.

⁴ They were called *tribuni militum honores petitori*, or *tribuni laticlavii*. (See Vol. IV. p. 90.) Those who had no military ambition were satisfied with a *semestrial tribunate*. Thus the younger Pliny had as service in the army of Syria to keep the accounts, which left him plenty of time to attend the lessons of philosophers; while Trajan, led on by his military tastes, had followed the soldier's calling very seriously (*Panegy.* 15). M. L. Renier (*Mélanges*, p. 239) is the first who has unfolded the true nature of the *equestria militia*, or grades of prefect of the auxiliary cohort, legionary tribune, and prefect of an *ala* of cavalry through which the young nobles passed. These grades and that of *primipiliarius* conferred the gold ring on those who obtained them without belonging to the equestrian order. From Hadrian's time the young nobles had to enter public life by the vigintivirate; fifteen inscriptions collected by Wilmanns prove this.

⁵ The vigintiviri (see Vol. IV. p. 90, note 1) formed but one college. They were therefore all of the same rank, the first grade of the official scale; and this permitted them all to aspire, when the military stage was passed, to the magistracy immediately above, — the quaestorship. Cf. Dion, liv. 26.

⁴ Subjoined is Hadrian's *cursus honorum* to the year 112, five years before he became

the secrets of a skilful administrator,—"Never be angry, speak little, listen much;"¹ and some are able to profit by the advice.

This is the career that almost all the senators passed through, followed in turn by their children. These dignities are in fact as if hereditary in the senatorial families,—first because the Conscrip Fathers are hardly numerous enough to fill all the state offices, and secondly because the Emperor can only give the higher offices (the prefecture of Egypt and the praetorian prefecture alone excepted) to those who wear the laticlave. So he is often obliged to call to a place among the ex-quaestors and the ex-praetors citizens who have held neither the office of quaestor nor praetor,² and who in their turn will form a stock for public functionaries. But with this prerogative the Emperor had the means of keeping places for merit. This was the free promotion of modern times, which, when properly done, remedies the disadvantages of advancement by seniority.

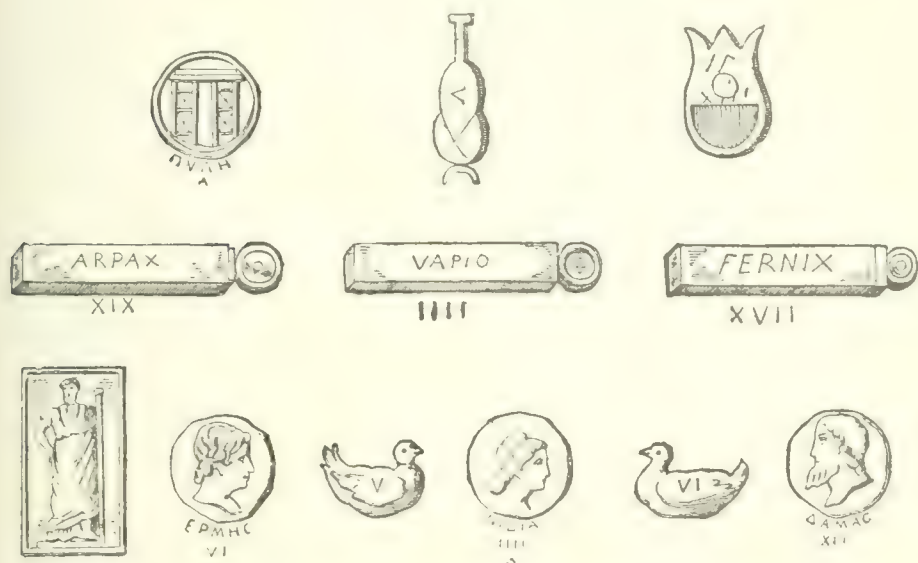
We shall further notice that the arbitrary will of the Emperor was singularly restrained by this system, which advanced every senator in his turn to the great dignities of the state and the government of the senatorial provinces. The Emperor, at least, could not disturb the regular order of the *cursus honorum*, except only in those very serious crises of government which an intelligent ruler carefully avoids bringing about.

Emperor: decemvir *stilitibus judicandis*, prefect for the Latin *feriae*, *sevir* of the Roman knights, tribune successively in the legions *Ila Adjut. Va Maced., XXIIa Primigenia*, secretary for the Senate's proceedings, quaestor of the Emperor and his *comes* in the Dacian expedition, tribune of the people, praetor legatus of the *Ia Minere* legion, legatus propraetor of the Emperor in Lower Pannonia, *sodalis Augustalis*, septemvir of the Epulones, and finally consul (*C. I. L.* vol. iii. No. 550). See also the case of Agricola. At nineteen Agricola served in Britain as military tribune; at twenty-five he was quaestor of the province of Asia; at twenty-seven tribune, and consequently a member of the Senate, to which the quaestorship gave him admittance; at twenty-nine he was praetor; at thirty-one he commanded the Twentieth legion in Britain, where he stayed three years; from thirty-five to thirty-eight he was governor of Aquitania; at thirty-eight he attained the consulship; at thirty-nine he returned to Britain as consular legate and remained there seven years; at forty-six he declined the government of the province of Asia. Mommsen sets forward the magistracies of Agricola by one year.

¹ A proconsul to whom the Emperor had just intrusted the command of several legions and the government of a great province asked of Democritus the best method of conducting affairs. The philosopher made him the reply above quoted (Lucian, *Democritus*, 51).

² *Adlectus inter quaestorios, praetorios, etc.* An inscription (Or.-Henzen, Nos. 6,929 and 7,009) represents Antoninus recompensing a father who was not a senator by giving his son, a child four years old, the decorations of the Conscrip Fathers, which insured him entrance into the Senate when he reached the proper age.

Modern society starts from another principle, — the division of labor and special training for the different offices. The plan is excellent for the orderly working of each office. The Roman system was more suited to form eminent administrators, and it did form such. But the political institutions of the Empire were adapted neither for forming citizens nor for improving their characters; this is why this Senate, so rich in experience, was so poor in courage and true dignity.



IVORY TESSERAE USED AT THE THEATRE (MUSEUM OF NAPLES).¹

In the equestrian order we see the knight by descent and the knight of fortune, the old hereditary estates and the recently acquired wealth of bankers, merchants, usurers, contractors for public works, or farmers of indirect taxes, — of all those, in short, who had known how to employ profitably their intellect and their capital. The former, especially since Hadrian's reign, filled the administration: the others desired to follow them, and, after having gained wealth, to attain honors also. Vainly had Tiberius required

¹ Tesserae, or theatre-checks, found at Pompeii and Herculaneum. Some have a portrait on one side, and on the other the number of the place and a name, as we have indicated below each ticket. Others have only the name, and on the reverse of the ticket the number of the place. Those in the form of a pigeon should be noted, as they served to designate the highest row in the theatre, *pullarius*, "the poulterer," now at Naples the *picconaria*. These last have only numbers (Monaco, *Le Musée nat. de Naples*, pl. 126 and p. 23).

from citizens who aspired to the gold ring some proofs that their father and grandfather had both been free born and had possessed the necessary income; the elder Pliny was able to say: "In our days a man takes one leap from slavery to the equestrian order."¹

To obtain the gold ring, the *angusticlave*, a place reserved at the theatre or the games, and to possess, if a man had a taste for it, the right to be insolent towards others, it sufficed to have gained, be it in the vilest employment, enough to buy the citizenship. There was no lack of indulgent protectors who would procure the concession and prevent any inquisitive questions as regards descent; and then, by virtue of his four hundred thousand *sestercies*, the new citizen was raised to the rank of knight.² Still, a dishonorable action, a legal sentence, a reverse of fortune, might deprive him of it. "From having given gold rings to girls," says Martial to a profligate, "you have lost your own." Claudius, during his censorship, deprived of the equestrian rank four hundred who had acquired it illegally, and he caused the freedmen who had thus obtained it to be sold as slaves.³ Some veteran soldiers who had by merit reached the first centurionship of their legion or the military tribunate,⁴ sometimes also, after the *honesta missio*, obtained the gold ring, with a money grant which gave them the income required of the knight.

But these *parvenus* of fortune or the army, so disdainful of the plebeians, were in their turn, objects of a like disdain on the part of the knights of high birth, who, having received the horse of honor (*equum publicum*)⁵ from the Emperor, formed a class apart in the order, that of *illustres*. "It is neither gold nor military service which made me a knight," says Ovid.⁶ In this class were

¹ *Vidimus Arellium Fuscum motum equestri ordine ob insignem calumniam* (*Hist. nat.* xxxiii. 8).

² *Quadringenarii* (Henzen, No. 6,469).

³ *Epigr.* viii. 5. *Senatoriali dignitatem recusantibus, equestrem ademit* (Suet., *Claudius*, 24 and 25).

⁴ This was the *militia* called *caligata* (*Digest*, xxxii. 1, 10, *proom.*, and Orelli, No. 3,465), in opposition to the *militia equestris*.

⁵ See Vol. V. p. 401. They might be called "state knights," in opposition to those whom the inscription of Narbonne called "knights of the plebs."

⁶ *Amor.* iii. 15, 6, and *Trist.* iv. 10, 7. It is hardly needful to add that the Emperor did not always take into account this distinction for nomination to lucrative employments (*procur. centenarii, ducentarii, etc.*). See in L. Renier, *Mél. d'épigr.* p. 88, the curious *cursus honorum* of L. Valerius Proculus.

to be found the candidates for the dignities of the curia, the offices of the palace, the provincial procuratorships, and the different prefectures, — the most important of which was that of the *annonæ*, with the civil jurisdiction over all frumentary affairs, — the vice-royalty of Egypt, and, above all, the prefecture of the prætorium, which was soon to become the highest post of the state. The senatorial order belonged exclusively to Rome and Italy, where the senators must fix their abode and have a third or a fourth of their landed property; the equestrian order, on the contrary, formed the provincial nobility. Each large city had its knights; and this character is well indicated by an inscription of Narbonne which, speaking of three wealthy colonists of that city, calls them *equites Romani a plebe*. These provincial knights could be summoned to Rome to sit in the decuria of judges.¹

But by the invasion of freedmen and men of business, the order, even at Rome, daily lost ground in public esteem. This is already seen by a rescript of Hadrian which speaks of *libertini* having received the gold ring;² Septimius Severus will soon give it to all the soldiers; and under Constantine we shall find no mention of the equestrian order.

III. — THE PEOPLE. — DISTRIBUTIONS AND GAMES.

As, in speaking of the state, men still said “the Republic;” as there was a semblance of comitia,³ an outward show of elections, and the shadow of the old Republican magistracies; and as men everywhere read the old formula: *Senatus Populusque Romanus*, — nothing prevented the Romans from still believing themselves to be the royal people, masters of the world and of themselves. But they did not, however, at all deceive themselves in this matter; they well knew where the power lay, and submitted without a murmur. Yet in numbers they had remarkably increased, for the Roman people now included all the inhabitants

¹ Pliny, *Hist. nat.* xxix. 8. On the equestrian order under the Empire, see the *Hist. des chevaliers romains*, by M. Belot.

² *Digest*, ix. 10, 6.

³ See Vol. IV. p. 88, note 2.

of Rome and of the Empire possessing citizenship. Each citizen was enrolled in one of the thirty-five tribes.—a mere formality; for if those dwelling in Rome had no longer political rights, those who lived beyond the mountains and seas had not even the advantage of utilizing their title by being amused and fed by the Emperor and the rich. Yet they preserved an important privilege,—that of securing for their property the nature of an Italian domain; that is, exemption from certain imposts.¹ Day by day the idea of Roman citizenship was becoming feebler, stifled by the rich development of municipal life. The Gaul, the Asiatic who had the *jus civitatis* belonged nominally to a Roman tribe; in fact he was the citizen of a provincial municipality.

The urban tribes only continued organized and living, not in the matter of political rights, for we have seen what Augustus and Tiberius had done with these, but for the advantages secured to the poor of Rome. The Emperors had changed into a permanent institution the usage, often interrupted under the Republic, of selling to the citizens corn every month from the state magazines at a nominal price. There had even been given gratuitously to the very poor, tickets similar to the bread-tickets of our charitable boards, and this had ended by becoming a general distribution. In the year 58 B. C. Clodius had established the wholly gratuitous character of the distributions.² As there were in the city citizens belonging to the thirty-five tribes, the poor who had obtained the *tesserae* (which were doubtless numbered, for more regularity, according to the order of the tribes) formed thirty-five new corporations. These divisions preserved the ancient and glorious name which formerly designated the entire Roman people, now by a strange change of fortune to be applied only to the poorer classes. As used by Martial and Statius,³ the words *tribulis* and *pauper* are already synonymous; and in that society which had so much respect for wealth, those who bore either name were the objects of the same contempt.

¹ Italian landed property had a partial immunity at least from taxes and the character of Quiritarian property, so that the holders of these estates had over them the *dominium*, and not simply, like the provincials, enjoyment (*possessio*).

² Cic., *Pro Sestio*, 25, 55; cf. Appian, *Bell. civ. i. 21*, and *Acad. des inscr.*, new series, xiii. 23.

³ Martial, *Epigr. viii. 15*, and Statius, *Silv. iii. 10*.

The plebs nevertheless had its millionnaires, as Martial shows us,—the contractors for works, for transport and funerals, the town criers, the farmers of certain imposts, and manufacturers of every sort, men who speculated on the vices or lived on the pleasures of the rich. The law declared certain of these occupations to be infamous, and on those fortunes there rested a stain, even in the eyes of some of the poor. But these parvenus cared little for men's esteem or contempt, being almost all of servile origin;¹ for some centuries the population had been recruited from strangers, so that there were no more Romans in Rome than there are now Parisians in Paris.

We have recently observed a sitting of the Senate: let us become acquainted with the people. Subjoined is a letter which Aurelian addressed to them after having in Egypt overthrown the usurper Firmus: "Aurelian Augustus to the Roman people who adore him, health! After having pacified the world, we have also conquered, taken, and put to death the Egyptian robber Firmus. You, the worthy children of Romulus, have therefore nothing more to fear. The corn of Egypt, which this robber detained, will reach you without the loss of a grain, if you live in peace and good friendship with the Senate, the knights, and the praetorians. I am able to preserve Rome from all disquietude. Go then to the shows; go to the circus. The public needs are our business; pleasure is yours."³ It is manifest that we have not gone too far in the expression of our contempt for this populace who dragged in the mud the greatest name the world had ever known, and had replaced noble sentiments by the lowest appetites. Influenced by those who look only at the



TESSERA USED AT THE CIRCUS, IN LEAD, FOUND IN THE SAONE.²

¹ . . . *Minore in dies plebe ingenua* (Tac., *Ann.* iv. 27 et seq.).

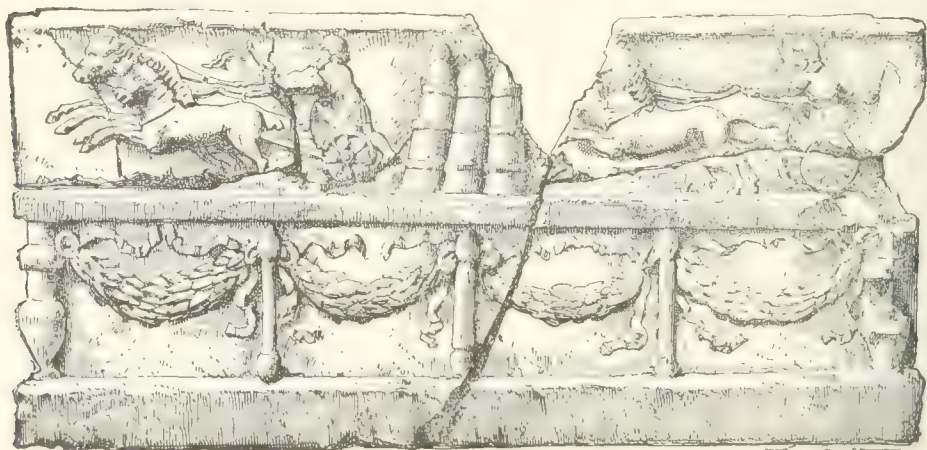
² *Gazette archéol.* 1876, p. 31. From the Museum of Lyons. The bas-relief is also published by the *Gazette archéol.*, *ibid.* pl. 10.

³ *Vacate ludis, vacate circensibus. Nos publicae necessitates teneant, vos occupent voluptates* (Vopisc., *Vita Firm.* 5). Juvenal had already said (*Sat.* x. 78–81),—

. . . *qui debet olim*
Imperium, fascis, legiones, omnia, nunc se
Continent atque duas tantum res anxius optat,
Panem et circenses;

and Fronto (*Princ. hist.*): "We lead the Roman people by two things, — *annona et spectaculis.*"

surface of things, the honor has been done this people of believing that it had some share in the founding and maintaining of the Empire. The people performed their last act of sovereignty when, in the Republic's vigor, but under the pressure of the first triumvirs, they gave Caesar the proconsulship of the Gauls; dating from that day, thirty years before the battle of Actium, the soldiers did everything, and they did what their victorious leader desired. What part did the people take in the accession of Tiberius and Claudius, in the death of Caius and Nero, even in the struggle between the Vitellians and Flavians? That of spectators, looking on at the duel between the Emperor and the aristocracy, or the



A RACE IN THE CIRCUS.¹

murderous rivalries of ambitious men seeking the supreme power, with as much pleasure and coolness as at the gladiatorial combats in the arena.

As evidence that the popular sovereignty still existed, it has been said that the deserted Forum and the silent rostra were replaced by the circus and the theatre, where sometimes clamor arose. Certain Emperors, seeking popularity by unwise complaisance, did in fact sometimes yield to the random wishes of the crowd assembled in the theatre. But others received them with haughty disdain; and if the clamor continued, called in soldiers and pikes, whereupon immediately all became quiet.²

¹ Bas-relief found at Lyons in 1874.

² Cf. Suet., *Dom.* 10 and 13; Dion Cassius, lxi. 6; Josephus, *Ant. Jud.* xix. 14; Plutarch, *Galba*, 17. There were soldiers at the gates, and even inside (Suet., *Nero*, 21, and the *Digest*, i. 12, 1, sect. 12).

Let us be just even towards the populace of Rome. The distributions of corn received by it scandalize us, and political economists rightly regard them as detestable expedients. But the historian is compelled to see in these distributions, not a means of corruption skilfully employed by the Emperors, but one of the most ancient of Roman customs, and according to the ideas of those days a most natural institution. As early as King Ancus, *congiaria* were bestowed; and from the first century of the Republic the Senate, in time of scarcity, had been accustomed to buy corn and distribute it gratuitously or at a price far below its value. When the Roman people had acquired by arms the ownership of the provincial soil, a portion of it was assigned to some of their own number for the foundation of colonies: upon the rest were levied taxes in money to support the government, and in kind to feed the people, the armies, and the governors with their suites. Since the men of that time believed that all belonged to the conqueror, it is not strange that the distributions of corn at Rome should have been specially favored by the Gracchi, who were popular leaders, and by Cato, one of the chiefs of the Republican aristocracy.

Had the French in Algeria imposed on the Arabs a tax in kind, instead of a tribute in money, the corn they would have given would have served to support the African army, as the cattle taken in the *razzias* serve to improve the ordinary rations of the troops. Now at Rome, when the Republic permanently established distributions of corn, the army was still the people; therefore, even after Augustus, only the citizens *pleno jure* were permitted to take a share. The *vigiles*, for example, who had very important duties at Rome, but who were recruited from the freedmen, obtained only after three years the corn *tessera*. In these largesses, therefore, we must see only the benefits gained by victory secured by the heirs of the conquerors. Under one form or another, that has been done in all time, and will continue to be done so long as there are conquerors and conquered.

We have seen that Augustus had determined the quantity of corn required for the consumption of the palace, the soldiers, and two hundred thousand citizens,¹ and that the annual expense for

¹ Vol. IV. p. 116. Cf. *Digest*, XXXII. i. 36 pr., and Hirschfeld, *Die Getreideverwaltung in der Röm. Kaiserz.* p. 6. There were still 200,000 people receiving under Septimius

the gratuitous distributions and the sale under price perhaps equalled ten millions of francs [§2,000,000].¹ From this total a fifth must be deducted for the corn supplied since Nero's reign to the soldiers in Rome and the suburbs whom the state had the duty of feeding, thus reducing the actual expenditure for the poor. Whatever the amount may have been, we must admit that these gifts were dishonorable neither to him who gave, nor to them who received.²

In the Middle Ages, and even as late as 1830, the people on certain festivals had also their distributions of food: fountains of

Severus; but the *civiles* had been reduced to 160,000, because 40,000 shares were reserved for the soldiers of all kinds who were in Rome or the environs, in garrison or provided for. In the Monument of Ancyra there is reference only to the *plebs urbana* (ὄχλος), and Fronto (*Princ. lost.*) distinguishes the corn-receiving plebs, who were kept by *congiaria*, from the entire people, who were amused by spectacles, at which all classes were present . . . *Congiariis frumentariam modo plebem singillatim placari ac nominatim, spectaculis unicersam*. Appian says (*Bell. civ.* ii. 120): τὸ τε σιτηρέσιον τοῖς πένησι χορηγούμενον ἐν μόνῃ Ῥώμῃ, and Dion Cassius, xliii. 21: σιτοδοτούμενος ὄχλος. Cf. Pliny, *Pan.* 25. These recipients of the *annona* were therefore the city poor, and at Rome, as at Paris, these poor were assisted without their moral conduct being taken into consideration (Seneca, *De Ben.* iv. 28. 2). But it must be noted that they received less than French soldiers, — whose daily ration is 950 grammes of bread, 300 grammes of meat, and a little vegetable, — and that consequently a family could not live in idleness on a corn ticket.

¹ At the death of Septimius Severus (Spartian, *Sec.* 7 and 23) the state magazines had enough corn for seven years at the rate of 75,000 modii a day. The corn warehoused by Severus would therefore have sufficed for distribution to 456,000 citizens, and not to 200,000. What remained in store after the delivery to those having the right to the 60 modii according to regulation, was sold at a low price. If we suppose that on these 256,000 other shares the state had lost half the price, the total expenditure would still have hardly reached the estimate which Hirschfeld gives (*op. cit.* p. 68), — 1 millions to 1½ millions of thalers; but it is probable that the allowance of 60 modii annually had been increased. At Constantinople, Constantine raised the distribution to 80,000 modii *per diem* (Socrates, *Hist. eccles.* ii. 13). Spartianus also speaks (*Sev.* 18) of a provision of oil for five years made by Septimius Severus and distributed gratuitously. An inscription of Orelli makes us acquainted with a *procurator ad oleum*. Respecting the sale of corn at a reduced rate, see Suet., *Oct.* 41; Monument of Ancyra, xv.; Tac., *Ann.* xv. 39; Dion, lv. 26; and on the gratuity of the ordinary *frumentationes*, Tac., *Ann.* xv. 72; Suet., *Nero*, 10; Hirschfeld, pp. 12–13. There were also sometimes distributions of wine (Pliny, *Hist. nat.* xiv. 14), of salt (*ibid.* xxxi. 7), of meat (Lamprid., *Alex. Sev.* 22, 26), etc.

² It has been stated in Vol. IV. p. 118, what Paris expended on the poor in 1875. For 1881, 125,000 persons are entered on the lists of the charitable boards; and if these are counted the sick received into hospitals, the infirm maintained in asylums, the 60,000 sick or lying-in women attended at their homes, and the necessitous temporarily assisted, it will be found that the protection afforded by public aid extends to nearly 400,000 persons. We must add to these charities that the city levies no tax on small quantities of articles of food brought within the walls, and that it gives 10,000,000 francs for free primary education. The boards of relief of the twenty arrondissements receive besides annually from private liberality amounts of money which in certain arrondissements exceed 200,000 francs; thus adding millions to the relief-fund of Paris.

wine were set flowing in the streets, loaves, sausages, beans were thrown among the crowd, who with loud cries jostled one another in their efforts to secure a piece. These coarse bounties proceeded from another principle, and were not repeated so frequently. Yet I cannot help saying that I prefer the strict and silent arrangement of the Roman *annona*.¹

To the distributions of food were added from time to time those of money. Antoninus gave at the rate of a hundred and thirty-five sesterces per head yearly. Under the Cæsars, from the Dictator to Claudius, this rate had been only forty-three. The latter seems to have been scarcely worth the trouble of stretching out the hand to take; but we know that in that society no man refused, however small the gift, or high the condition of the recipient.²

Altogether, the distributions of corn and money to the Roman plebs amounted annually to perhaps fifteen or sixteen millions of francs [§3,000,000].

The public games were still less expensive to the state. According to a document of the year 51 A.D. there was scarcely paid out of the treasury yearly, for the most important, a sum total equal to 500,000 francs.³ The city of Paris gives 800,000 francs to the Opera alone, which is never accessible to the poor, while in the Circus Maximus 385,000 spectators were admitted gratis. It is true there must be added to this expenditure the sums spent by the magistrates presiding over the spectacle, the praetors and consuls obliged by their official duty to celebrate certain solemnities.⁴

¹ Until recently a custom derived from the *antiquitas* existed in Rome. The cardinal governor of the city was obliged, on the evening of Shrove Tuesday, to offer a supper to all present at the Opera: it cost him from 2,000 to 50,000 crowns, according to his doing it economically or lavishly.

² See above, p. 85. By reckoning all the *annona* of which we know from Cæsar to Claudius, we find that in a century there was distributed to the 200,000 *capite* of the *plebs* 21,250,000 *denarii*: that is, 2,125,000 francs per annum, and about 11 *denarii* per head. Cf. Marquardt, II. i. 2d part, p. 110.

³ Namely, for the Roman games, which lasted sixteen days, 700,000 sesterces; for the plebeian games (fourteen days), 600,000; for the Apollinarian games (eight days), 380,000; for the Augustal games, 10,000. (Cf. Mommsen, *C. I. L.*, according to the *Fasti Antiatini*, p. 377, and Friedländer, ii. 194.) To these public games, for which the state made a grant, must be added those of Ceres, of the Great Goddess, or the Megalesian (Martial, *Ep.* x. 41), of Flora, which cost 20,000 (*Id., ibid.*), and of Sylla's triumph. The number of games varied with the time: many under the Empire were successively created and abolished; the six ancient games lasted down to the fourth century. Cf. Tertullian, *De Spectaculis*, &c.

⁴ The Megalesian games, which the praetor was required to give, cost him 100,000 sesterces when he was disposed to be frugal, and much more if he wished to make a display.

and the sums given by individuals who wished to make their name or their fortune honored.¹ As vanity played its part and there was emulation among these givers of public games, some of them ruined themselves. A large fortune was divided and passed into other hands; all that the state lost by the change was the benefit that these millionnaires might have conferred by a better employment of their money. But the ancients considered that in spending it in this way it was extremely well expended. It appeared to them that the rich possessed wealth for the benefit of the public service, and those who held it shared in this idea. The *liturgies* at Athens, the *munera* in the Roman cities, were onerous obligations imposed by law and custom on those who solicited honors or public consideration. With us all this is entirely different, and we even find it hard to understand functions which cost money instead of bringing it in. Yet facts to which all antiquity testifies cannot be disputed, and we must accept that rule of historical criticism and of strict equity which bids us in judging ancient matters to take account of ancient ideas.

Besides, in their origin spectacles and scenic games, and even the gladiatorial combats, were, like the old Mysteries, religious acts, *auto da fe*, and in the pagan empire they officially preserved this character: at some of them the statues of the gods were always carried in procession. Under Domitian, even, the law *Genetiva Julia* imposed on the duumvirs the charge of the games of the circus and of the religious banquets, in the same category with the inspection of the sacred buildings.² Accordingly, patriotism, which in those days was a part of religion, hesitated at no sacrifice to make the celebration of these festivals worthy of the gods and the city.

On the anniversary of his birthday Hadrian gave free games;³

Hence men avoided this office, and Constantine was obliged (Zosianus, II. 38) to take measures against the refractory. In case a praetor-elect died, his heirs were obliged to give the games.

¹ When things were done liberally, there was expended for games which lasted three days 400,000 sesterces (Petron. *Satyr.* 45). The gladiatorial combats given every five years at Pisaurum, by virtue of a legacy, cost only 150 or 180 sesterces, according as interest was reckoned at 5 or 6 per cent. Orelli (No. 81), who reckons it at 12 per cent, as being in the province, doubles the last figure. But there were gladiators at all prices. . . . *Dedit gladiatores sesteriarios, jam decrepitos, quos si sufflasset cecidissent* (Petron. *ibid.*).

² Cap. cxxviii.

³ . . . *παικα* (Dion, lxix. 8).

there were some, therefore, which were not so. It was a widely spread form of industry which cost the state nothing. This we knew from Tacitus, Petronius, and Dion, and inscriptions confirm it.¹

From these usages it resulted that, the citizens doing all, the state had scarcely anything to do. We see what was meant by *panem et circenses*, and how small the sacrifices really were demanded of the community by that crowd who desired, it is said, to be amused and fed at the expense of the Empire.

At the same time, while the sum entered in the official estimate for popular pleasures imposed on the treasury, the *aurarium*, was only a small charge, the Emperor's treasure, the *fiscus*, or what might be termed his civil list, bore a much heavier burden. Subjected by precedent to the same obligations with the magistrates and rich citizens, the Emperor gave festivals which the pontiff's calendar did not mention, and often aided his friends and kinsmen² to do things liberally when they had to offer a show to the people. The bad Emperors ruined themselves by these expenses; the good knew how to spend only their superfluous income. Augustus had given them the example of these liberalities, which custom made necessary, but which a wise firmness could keep within just limits.³

In the early days of the Empire the public games occupied sixty-six days in the year, sixteen of which were for races in the hippodrome, forty-eight for scenic representations, which were not very popular,⁴ and two for the feasts which followed certain sacrifices. We have yearly fifty-two Sundays: by adding to these the public holidays, we shall reach nearly the same total of days of public rest, without counting all those which our workmen take of themselves. Official statistics give for the whole of France an average of only two hundred and twenty-six working days.⁵ In

¹ A statue was erected to Caracalla from the proceeds of the seats let at the amphitheatre of Cirta.

² This Hadrian received two million sesterces from Trajan for the games it was his duty to give during his praetorship; Valerian gave five million to Aurelian for the festivals of his consulship (Spartian, *Hadr.* 3; Vopiscus, *Aurel.* 12).

³ See in the Testament of Augustus an enumeration of the festivals given by that Emperor.

⁴ The medals record buildings and the games of the circus and amphitheatre: they never refer to theatres or scenic representations.

⁵ In pursuance of a rule of Marcus Aurelius (*Capit.* 10), the courts were to be open for 230 days yearly. Besides the annual games, Rome had some extraordinary holidays, due to

addition, our cities have amusements every evening: Paris alone possesses thirty-eight theatres or circuses, and a great number of other places of amusement. We are certainly more entertained, or think ourselves so, than the Roman people usually were,—at least we have the right to expect it, for in fact we do more work.

In course of time the Romans of Rome and the Greeks of Constantinople increased the number of games until they amounted to a hundred and seventy-five holidays in the year; that is the total given in a document dated 351 A. D. But at that date we have reached the Byzantine empire; and in spite of the horror of the Church for shows, they were more popular even than in Trajan's time. Even more was spent on them: for example, two thousand pounds¹ of gold for the consular games alone.

In imperial Rome the people's pleasures were full of a partisanship which was not dangerous, indeed, but was certainly scandalous. This feeling, having no longer great objects, attached itself to small ones. In the circus, the Blues and the Greens divided the spectators, and the disputes raised by them agitated the whole city. A man, the voluntary victim of a vulgar admiration, threw himself on the funeral pile which consumed the body of a famous charioteer,² and Juvenal dared to write: "If the Greens are beaten, Rome will be in the same terror as after the battle of Cannæ."³ From Rome this passion reached Constantinople, where it became more keen, and survived the invasion of the Barbarians.⁴ The Christian Empire was still less wise respecting the *circenses* than the Pagan Empire had been; and the moderns in certain respects have outdone the ancients,—which ought at least to lead us to show indulgence to the latter. Could not they also say, as do sober-minded men among the hundred thousand spectators at our races, that the victors in the circus furnished good horses to the army and improved the breed of working animals?

imperial or individual munificence: in the year 80 there was a festival of a hundred days for the inauguration of the Colosseum: in 106, for the conquest of Dacia, 123 days of show, etc.

¹ This is the statement made by Procopius (*Hist. secr.* 26) in the reign of Justinian.

² Pliny, *Hist. nat.* vii. 54.

³ *Sat.* xi. 197. Lucian (*Nigrinus*, 29) does not like this mania for horses. Yet he acknowledges that it is shared by a large number of very respectable people.

⁴ The last king of the Goths of Italy, Totila, in 549, once more had chariot-races in the Roman circus (Gregorovius, *Hist. de Rome au moyen âge*, i. 436).

Many things have to be re-examined in this old history, which is only beginning to be studied in our days, — no longer with the forms of ancient rhetoric or of political passion, but with the severe scientific method which replaces facts amid their original surroundings, and seeks the truth, indifferent as to the results to which this truth may lead.

IV. — OFFICIALS AND DEPARTMENTS.

THE Republic had no disposition to multiply the offices of state, and it had possessed but a very small number of temporary administrators. As it farmed out the levying of the taxes and the execution of public works, there was nothing left for the Senate to determine but the sum it wished to receive from the provinces and what it intended to spend on works of general utility. The *publicani* brought the former into the treasury after their expense for collection had been deducted; the other was placed by the censors or the Conscript Fathers at the disposition of the contractors. In a word, Republican Rome governed, but did not administer, except in the case of her own affairs. Thus for the accounts of the *acarii*, for the distributions to the people of the city (*annona*), for the coinage (*IIIviri monetales*), and the maintenance of its streets (*IVviri vicium curandorum*), she certainly had permanent offices.

The Empire at first pursued a similar plan. For a long time the state functionaries were few in number, — in the provinces, forty-five governors,¹ the legates of thirty legions, some procurators administering districts with the *fas gladii*,² others for the collection of the revenues of the imperial treasury; at Rome, the prefectures of

¹ The Emperor was invested with proconsular power in the imperial provinces, and his lieutenants had in them only the title of *legati pro praetore*, even when they had been consuls. In the senatorial provinces the governor was styled proconsul, and attained this post only after having held the consulship of the two consular provinces of Asia and Africa, and the praetorship for the others. The imperial legate had five fasces, the proconsul six. The provinces were drawn for by lot among the candidates designated by the Emperor. At the time of the Antonines admission to the allotment of the two consular provinces of Asia and Africa was granted only twelve years after having held the consulship. On the preparations which a consul had to make before setting forth, see Fronto's curious letter, *Ad Anton. Pium*, 8.

² See above, p. 165. Tacitus says (*Hist. i. 11*): *Duae Mauretaniae, Raetia, Noricum, Thracia et quae aliae procuratoribus cohibentur.*

the praetorium, of the city, of the *annona* and the watches, the offices of the vigintivirate and those whose holders had seats in the Senate.¹ All these functions were temporary or of short date,² except the urban prefectures. The prefect of the city often kept his office till death, and the command of the praetorians and of the watches was equally permanent if the officer retained the Emperor's confidence.³ Thus, even in the first century of the Empire, Rome was indisposed to form a great body of permanent officials.

But by degrees the servants of the Emperor became public functionaries; the offices (*officia*) increased, and administrative centralization began. It was like a new empire when it received its true character from Diocletian; but its main principle from the first had been implied in the Empire.

The first public administration, in the modern sense of the word, dates from Augustus, who organized the postal service, with its numerous messengers, the *tabellarii*. This service, although performed by the cities, required a central office, and perhaps already, in the provinces, inspectors (*curiosi*) to insure its regularity. The second was the water-supply of Rome, instituted by Agrippa; he first employed for it his personal fortune, and constituted a whole *familia* of two hundred and forty *aquarii*,—slaves who at his death passed to the service of the state.⁴ To collect the tax of a twentieth on legacies, heritages, and manumissions, and that of a fortieth on entries;⁵ for the recruiting of the legions and the alimentary institution of Trajan, for the administration of the

¹ See above, p. 204.

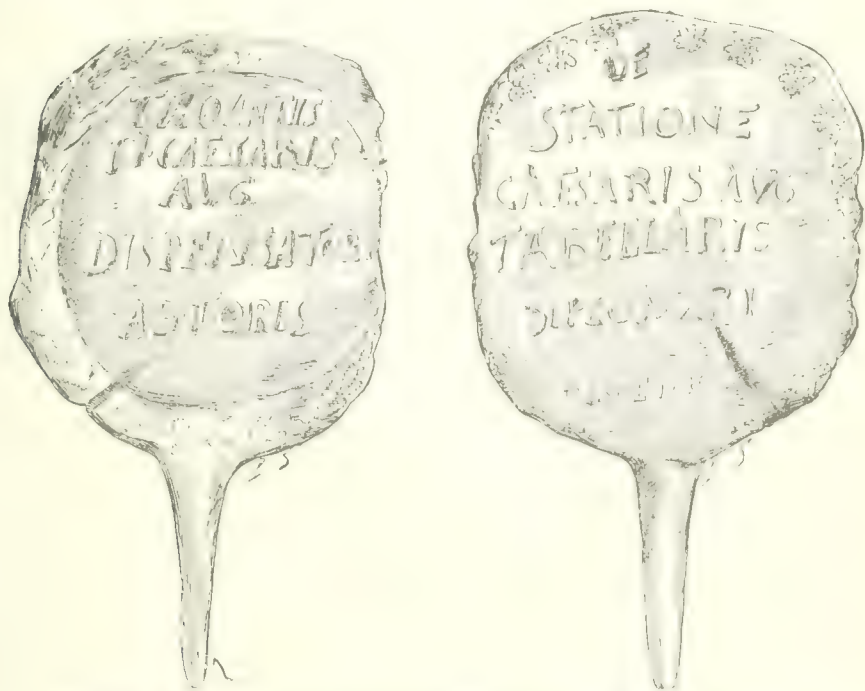
² As a rule, the proconsulships were annual; the same was the case in respect to all the old Republican offices which had been preserved, except the consulship, now held for only three or two months. All the offices which were held directly from the Emperor had no other legal term than his will and pleasure. However, the imperial legations lasted on the average only three or five years (L. Renier, *Mél. d'épigr.* p. 124).

³ The prefect of the city was at first charged only with keeping in check slaves and disorderly persons (Tac., *Ann.* vi. 11). His civil and criminal jurisdiction became later very extensive (*Digest*, i. 12). The prefect of the praetorium also had at first only the command of the guards (Tac., *Ann.* iv. 1 and 2), and ended by being the second person in the Empire (*Digest*, i. 11). The prefect of the watch, who had the duty of directing the nightly rounds, to prevent or check fires (Suet., *Oct.* 30), acquired, besides, criminal jurisdiction over incendiaries, thieves, and vagabonds (*Digest*, i. 15, 3). Thus the prerogatives of the Emperor's agents increased in proportion as those of the *magistratus populi Romani* diminished.

⁴ Frontinus, *De Aquaed.*, and Dareste, *Des Contrats*, pp. 94, 110, etc.

⁵ *Procurator XX hereditatum, quadragesimae, ad alimenta, ad bona damnatorum*, etc. Cf. Or-Henzen, in the *Index*.

Emperor's domains, that of the property of those attainted, etc., there existed special permanent agents, whose jurisdiction often comprised several provinces.¹



BRONZE PLATE RELATING TO THE TABELLARI (MUSEUM OF NAPLES).²

These officials received a salary of sixty, a hundred, two hundred, and three hundred thousand sesterces;³ the proconsuls an indemnity of a million sesterces⁴ and travelling expenses, with allowances of

¹ Thus Tib. Cl. Candidus was *procurator XX hereditatum per Gallias Lugdunensem et Belgiam et atraniq. coenotium* (Orelli, No. 768, and many others).

² This bronze plate, the foot of which had to be fixed in a support, had a different notice on each of its faces. On face No. 1 is read: "(Office) of Thoas, (slave) of the Emperor Tiberius, put in charge of the table couches;" on the other is engraved, in the third century perhaps, the following words: "Withdraw from the office reserved for the messengers provided with the diploma of the Emperor's (postal service)." — E. Desjardins, *Bibliothèque de l'Ecole des hautes Études*, xxxv. 72-73.

³ *Procurator sexagenarius, centenarius, ducenarius, trecentarius*. Cf. the *Index* of Or.-Henzen. The inscription No. 946 gives to the *procurator patris privatus* a salary of 300,000 sesterces.

⁴ *Salarium proconsulari solito* (Tac., *Ann.* 42). Dion (lxxviii. 2) gives the grand total as 250,000 drachmae or 1,000,000 sesterces (800,000), without reckoning the corn of which the governor had need for his house (*fructum coenotii*). His lieutenants — the quaestor, the praetorian cohort, and the assessors included — also received *cibaria* (Cic., *Verr.* i. 14, 36), or the *congiarium* and the *salarium*; i.e., at the beginning, wine and salt (Fronto, *Ad Albi.* i. 2 and Pliny, *Hist. Nat.* xxxi. 41; *Digest*, i. 22, 4).

different sorts to meet the various burdens that were imposed upon them. The republican principle had been gratuitous public services, except an indemnity for expenses incurred by the magistrate in the interest of the state. The principle of the imperial government was, on the contrary, remuneration by an annual salary for the services performed by the official. The two systems were concurrently followed, — gratuitous service by those who were still styled “the magistrates of the Roman people,” and a salary for the Emperor’s agents. But the latter were indefinitely increased, while no addition was made to the number of the old republican magistracies, and soon there will exist no longer, with the exception of the consulship, the praetorship, and the quaestorship, any other unpaid officials in the Empire than those of the municipia.¹

On this subject there is another remark to make. The example of Cicero, — an honorable man, nevertheless, — who during his governorship of Cilicia could put by over two million sesterces, shows the effects of this republican unsalaried system. It was possible under the Republic to make a fortune in public offices by exactions to which the Senate shut its eyes; this could no longer be done under the Empire, because of the Emperor, — a more inexorable judge of extortioners, because it was for his own interest to prevent his subjects from being oppressed.

The centre to which all affairs converged was the imperial palace; accordingly, it had been from an early date crowded with a multitude of slaves and freedmen, some charged with domestic duties,² others forming administrative departments where the accounts of receipts and expenditure were kept, despatches received and examined, replies sent, and certain matters arranged for reporting to the Senate, to the privy council which Augustus had constituted, and to the court where the Emperor heard appeals and reserved cases.

At the head of all these departments were freedmen, who

¹ The inferior agents of the municipal and public administration were paid: those of the state received *mercedem et cibaria ex aerario*; i.e. a salary and allowance of food (Fronto, *De Aquaed.* 100).

² Their titles, consequently, varied infinitely. A great number of them will be found in chap. ix. of Orelli, which contains 254 inscriptions relating to the slaves and freedmen of the palace. Under No. 2,974 Orelli has given a summary of the titles which accompany the proper names in the *columbarium* of the slaves and freedmen of Augustus and Livia, in which were more than three hundred names.

rapidly gained great influence; for where the monarch is everything and the whole Empire rests in his hands, there is one power greater than himself, namely, the people about him, who control or influence his will. Under Augustus and Tiberius these freedmen had been kept in the background: but from Caligula to Vespasian they governed the palace and Empire. Helios, in Nero's absence, condemned even senators to confiscation, banishment, and death. Remitted to obscurity by the first two Flavii, these freedmen under the third regained their power, and the younger Pliny could say: "The majority of our Emperors, those masters of the citizens, were the slaves of their freedmen. They understood only by means of them, they spoke by them, and by them were given the praetorships, the offices of priests, the consulships."¹ Yet the singular respect which he himself manifested towards Trajan's freedmen, whom he declared publicly in the Senate to be worthy of the senators' regards,² shows the credit which these men had under the better Emperors. They formed a sort of permanent body, in which were preserved the traditions of all that skill whereby a master was made captive. The Emperor died; the freedmen did not die, or at least their influence was perpetuated. They were transferred with the furniture to the service of the successor. Claudius Etruscus had served ten Caesars.³

The stain of their birth was concealed under the honors bestowed upon them; many obtained the gold ring or military distinctions. Narcissus had the ornaments of the quaestorship, another freedman those of the praetorship, and Claudius brought them with him into the Senate. Some made distinguished marriages or bought famous ancestry. Pallas became the man of highest rank in Rome when it was thus proved that he descended from the early kings of Arcadia, who in the person of Evander had founded Rome itself. Accordingly, his arrogance equalled his wealth. Not to soil his lips by speaking to slaves, this freedman communicated with them only by signs or by writing. It is a poet, Statius.

¹ Dion, lxiii. 12; Pliny, *Paneg.* 88.

² *Tanto magis digni quibus honor omnis praestetur a nobis (ibid.).*

³ Statius, *Silv.* iii. 3. He died at the age of eighty, under Domitian. The Alexandrine rhetorician Dionysios (Suidas, s. v.) was, from Nero to Trajan's time, set over the libraries, the correspondence, the embassies, and rescripts. On royal secretaries among the ancients, see M. Egger, *Mém. d'hist. anc.* pp. 220-259.

who, in his eulogy on Claudius Etruscus, gives us the most exact information respecting some of the offices filled by the freedmen of the palace. "To thee alone are intrusted the sacred treasures of the Emperor, the riches dispersed among the nations, and the tribute which the world pays to us. What Spain derives from her gold mines and that which glitters in the Dalmatian mountains, the harvests of Africa, the corn that the Egyptian crushes on his threshing-floor, the pearls which the diver seeks for in the depths of the Eastern seas, the fleeces brought from the pastures watered by the Galaesus, and the transparent crystal, the citron from Mauretania, the ivory of India, — in fine, whatever the winds from south, east, and north waft to us, all is intrusted to thy watchful care. Thou dost estimate what is daily needed for the legions and the people; thou knowest the necessary expenditure for the temples, for the dikes which keep back the high flood, and for the military roads. Thou takest account of the gold which glitters on Caesar's ceilings, of that which forms the statues of the gods, or the coinage marked with the image of the Emperor." Etruscus, the treasurer (*a rationibus*), held what we should consider to be four ministerial departments; namely, of trade, public works, finance, and the Emperor's household.

The same poet makes us acquainted with another freedman, named Abascantus, who had charge of the despatches (*ab epistulis*). "To send to all parts of the earth the orders of the master of Rome; to know what laurels reach us from the North, what standards are on the banks of the Euphrates, the Danube, and the Rhine; how far the confines of the world have retreated before us towards Thule, at the limit of the roaring waves, — these are some of his duties. Is there need to call together trusty swords, he points out the one most capable to command a cohort or a hundred horsemen, him who deserves the glorious title of tribune, or who will best lead the swift squadrons. What does he not do besides? He needs to know whether the Nile has inundated the fields, or if the south wind with its fertilizing rains has watered sandy Libya. Less active is Juno's messenger, less prompt is Fame in her rapid chariot."¹ We may say that this secretary

¹ Statius, *Silv.* iii. 3, 86-105; v. 1, 85-105.

of despatches acted the part of a minister of war, of the interior, and of foreign affairs.

His offices, in which intelligent slaves were at work, whom liberty awaited as the reward of their services, were separated into two classes, — one for the Greek-speaking countries, the other for the Latin-speaking.¹ Here were employed intelligent and learned men able to do honor, by their knowledge and style, to the imperial government. We possess the works of one of them, which by their precision of form and propriety of expression rank among the best biographies in Latin literature; I refer to those of Suetonius.² Not only was the style of the Latin or Greek careful, but also the writing itself: the despatches were models of calligraphy.³

The secretary of petitions (*a libellis*) and inquiries (*a cognitionibus*) had to listen to the crowd of petitioners and complainants, to read the applications of those who from all parts of the Empire asked for a place, a title, a favor, and who appealed to the imperial justice or clemency. He was supposed to render an account of every matter to the Emperor, who decided it. The secretary of inquiries, probably first appointed by Claudius, made a preliminary examination in affairs which the Emperor himself was to decide or refer either to the Senate or to ordinary magistrates.⁴

These four secretaries — namely, of accounts, of correspondence, of petitions, and of inquiries — remind us of the ministerial organization which France long had under the ancient monarchy, with its four secretaries of state, whose duties were as complicated as those of the Roman secretaries: and we are also reminded that it was the principle at Versailles, as at Rome, to make a choice from

¹ An inscription (Orelli, No. 823) mentions even a *librarius Arabicus* (*Mém. de l'Acad. des inser.* I. 316), established doubtless in the *scribium litterarum* at the time of the formation of the province of Arabia; and this leads to the supposition that there were others for other languages.

² Suetonius, the son of a legionary tribune and the friend of the younger Pliny, was Hadrian's secretary, as was also the rhetorician Avidius, who was prefect of Egypt and father of the ambitious Avidius Cassius. Titinius Capito, whom Pliny considered one of the best writers of his time, had been Trajan's secretary. C. Vestinus, a preceptor and then Hadrian's secretary, became keeper of the libraries of Rome, high-priest of Egypt, and curator of the Museum of Alexandria (*C. I. G.* 5,900).

³ Plutarch, *De Pyth. Or.* 7. Cf. Egger, *op. cit.* p. 224.

⁴ Narcissus, under Claudius, had been *ab epistolis* (Suet., *Claud.* 28); Epaphroditus, under Nero, *a libellis* (*Id.*, *Dom.* 14). The functions *a libellis* and *a cognitionibus* were often separated; cf. Cuij. on the *magister sacrorum largitionum*.

men of low birth, — which did not prevent these humble individuals from becoming sometimes great men. The two governments had been led by similarity of circumstances to act alike, and they doubtless derived kindred advantages from this similar mode of action. In spite of the bad name of the imperial freedmen, I believe that with better information we should find that all were by no means harmful to their Emperor or useless to the Empire.

I remark that they had not given themselves up to a spirit of clique, which is so dangerous in public duties. The provincial administration was not carried on by their comrades in slavery or in enfranchisement; out of the eighty financial procurators which inscriptions make known to us, only eight freedmen are to be found, and these all belong to the early days of the Empire.¹ At the same time it would have been better to fill the high offices of state with men more respected by public opinion, and not belonging to the imperial household. We have seen Hadrian effecting this change by intrusting the duties of the secretaries to members of the equestrian order. Several Emperors had forestalled him in this direction without making, as he did, this reform a regulation of government. His successors followed it, and the administration became the better by this: but it was the beginning of that system which, followed out to the minutest detail, shackled society with so many bands that it became motionless and lifeless: so that we discover existing in the most brilliant period of the Empire the germ of those institutions which diminished its strength and prepared its fall.

The slaves and freedmen of whom we have just spoken lived in the palace, whither men of free birth daily came to dispute with them for influence. Under the Republic the great opened their houses to crowds of so-called friends, who in every case were their clients for the *sportula* and their partisans in any bold attack. The general with the army, the governor in his province, had also his band of young men attached to him and of friends who formed his council, carried his orders, or supervised their execution. Caius Gracchus and Livius Drusus had introduced the

¹ Starting from the Flavii, the *procuratores augusti* are true public officials taken from the knights (Tac., *Ag.* 4). The procurators of the early Emperors were stewards, like those belonging to private persons mentioned in many inscriptions. Cf. Henzen, *Index*, p. 187.

practice of giving a certain order to this retinue. They had friends of the first, second, and third degree, whom they treated accordingly: the last awaiting in the street a haughty salute, the second admitted to touch the patron's hand, the first to live on intimate terms with him. — a curious proof of the facility with which the Romans submitted to subordination and discipline. The Emperors maintained these usages, as they did so many others of the Republic: they also had their friends of different degrees, from intimate friends living with them, without title or duties,¹ to those who, simply agreeable, were scarcely distinguishable from domestics, unless they were learned men, artists, or eloquent and highly gifted persons, with whom Trajan, Hadrian, and Marcus Aurelius delighted to converse.

Under a personal government some of these friends of the Emperor, the companions of his travels or of his festivities,² and frequenters of the palace gained great influence. Augustus had selected from them the members of his privy council,³ — a genuine council of government, which examined matters referred to them at Caesar's order by the secretaries of state. For his judicial functions the Emperor called to his assistance any whom he judged fit. An example of these imperial sessions was given in the chapter on Trajan,⁵ and this renders further comments unnecessary.

Friends of the Emperor, palace freedmen, and even slaves, these frequenters of the imperial antechamber were not always

¹ Seneca, *De Ben.* vi. 34; *De Clem.* i. 10.

² *Comites* and *convictores*. They had their special servants at the palace, the chief of whom had the title of *procurator a curia aulica*. While travelling they formed the Emperor's retinue, and their expenses were paid by him. Augustus on one occasion gave to those of Tiberius, who had done no more for them than to furnish their food, six hundred thousand sesterces for the first-class friends, four hundred thousand for those of the second, two hundred thousand to the third (Suet., *Tib.* 46).

³ *Natibus et usibus impetris vestitus est, quos bonos alicui esse, said Helvidius under Domitian (Tac., *Hist.* iv. 7). Homulus, under Trajan, thought the same. This title of "the Emperor's friend" came to be attached to certain duties; it became even a sort of title of honor which was inscribed on a man's tomb after mentioning the consulship. The prefects of the city and of the praetorium were of right "friends of the Emperor," as the marshals, peers, and cardinals were in France *cousins du roi*. Under the Merovingians, the king's *comites*, or companion, whose *wehrgeld* was double that of the other great vassals, was doubtless the successor to the Emperor's friend. This custom had existed besides in all the Oriental courts.*

⁴ See Vol. IV. p. 97, and Suet., *Tib.* 55. The consuls and high dignitaries of state formed part of it. These councillors had also a stipend of sixty thousand, one hundred thousand, and two hundred thousand sesterces (Orelli, No. 2,648).

⁵ Vol. V. p. 261.

discreet persons. Some of them sold their real or pretended influence, and the news, true or false, which they had heard behind the door or feigned to have told in the master's ear. "The Emperor is sold," said Diocletian angrily; and Alexander Severus caused one of his servants to be suffocated who had made gain of the credulity of petitioners. During the execution a herald proclaimed: "Thus shall perish by the smoke he who has sold smoke!"

V. — THE ARMY.

THERE is no occasion to speak again of the activity put forth by the whole Empire for public works,—the municipal monuments, temples, circuses, amphitheatres, sometimes equalling those of Rome in beauty, and even in extent,¹ the bridges over rivers, the canals in the plains,² the aqueducts above the valleys,³ the roads across mountains, the lighthouses on promontories, and, finally, the huge network of military roads, in all over fifty thousand miles in length.⁴ The preceding chapters have exhibited this great work of civilization, which the moderns have surpassed only in our own days.

This brilliancy of civil life would have been soon extinguished had it not been for the army, which, permanently posted between the Empire and the Barbarians, protected the vast industry behind it. Under the Antonines the army was formidable, and we must speak of it with some detail; for of the two great originations of Rome, her law and her military organization, the latter remained a very long time incomparable.

Under the Republic, when war was over, the soldiers were disbanded; but after the rivalry between Marius and Sylla there was always some leader who found the means of keeping an army of

¹ The amphitheatre of Capua was almost as large as the Colosseum of Rome.

² The ancients did not understand dams, but they made weirs . . . *cataractis aquae cursum temperare* (Pliny, *Epist.* x. 69).

³ Rome alone had as many as fourteen aqueducts, in all a length of 249 miles, of which fifty miles were on arches. The three which still remain in use are sufficient to make Rome the city in all Europe best supplied with water.

⁴ It has been computed that the Itinerary of Antoninus names 372 great roads, which united would have made a road over fifty thousand miles in length.

his own. Octavius succeeded to all these forces; on the day after the battle of Actium he was at the head of seventy-six legions. Of these he kept twenty-five and dismissed the rest; Vespasian had thirty, — a total at which they remained for a long while.

Augustus declared these twenty-five legions permanent, and he stationed them in the provinces of the frontier, under the orders of legates appointed by himself and dismissible at will. To provide



ARCH OF THE AQUEDUCT CALLED ANIO NOVUS.

their pay he created new imposts, and established by the side of the public treasury a military chest, which received and expended all the money required by the army.

According to the list of the forces of the Empire presented to the Senate by Tiberius, the twenty-five legions were posted in the following manner, — eight along the Rhine, three in Spain, two in Africa, two in Egypt, four on the Euphrates, and six on the banks of the Danube or the Adriatic coasts.¹

¹ In the time of Dion Cassius, the efforts of the Barbarians being directed upon the Danube, there were no more than four legions on the Rhine.

Thus all the military forces, except the garrison of Rome, were established permanently between the Empire and the Barbarians, far away from the cities, where discipline becomes relaxed. The camps, the fortified posts which connected immense lines of defence, served as a base of operations; and as there was no difference between a



LEGIONARY SOLDIER. XIVA
GEMINA LEGION.¹



LEGIONARY CAVALIER.²

peace footing and that of war, as the legions were within reach of their magazines or arsenals, and as behind them extended their principal recruiting³ ground, they were always ready for action.

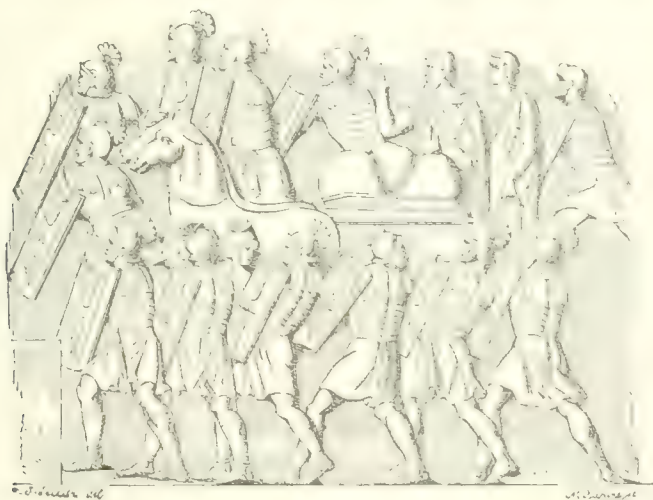
The conception was grand and novel, and a marvellous spectacle is presented by this Empire formidably armed on its frontiers, and governed in the interior without a soldier.

¹ From the Museum at Mayence.

² Museum of Saint-Germain.

³ In general the legions were recruited in the neighborhood of the countries where they stayed; but when a cohort or auxiliary squadron was levied it was a rule habitually followed to send this cohort to a distance from the places where it had been raised. There was no general law respecting recruiting. When those who volunteered were not sufficient, the Emperor ordered a levy in such or such a province.

Yet many of the provincials were men vanquished but yesterday, who still preserved the remembrance of lost liberty. But the Romans had not the extreme solicitude which we have in respect to the maintenance of public order. They distinguished matters of general interest from those which were only of local or personal concern. It was quite possible that not all the roads were safe, nor all the cities at peace: it occurred even in the earlier periods that, through municipal rivalry, private wars sometimes broke out between two cities. The government cared little for this: it was a matter which concerned only the parties interested. But woe to the adventurer or the city compromising the general order or taking



INFANTRY ESCORTING BAGGAGE

arms against the Empire! A sufficient number of cohorts were despatched from the nearest frontier, and the repression was as prompt as it was terrible.

We who have so long been accustomed to expect the state to watch and act in our stead, have multiplied indefinitely the small garrisons which destroy the military spirit, but are of great advantage to the cities which receive them. We station soldiers everywhere, at the risk of the army being crumbled to pieces and its discipline relaxed. The Romans placed them nowhere, except in face of the enemy. Their legionaries had but one duty, war. — one mode of life, that of camps; and this is why they became the best soldiers in the world.

Therefore it was only rarely that they were stationed in certain cities. When it was noticed that at Antioch, with its vain, insolent population, equally incapable of doing without a master and of keeping one, it was quite impossible to keep a soldier three months without his becoming effeminate or seditious, the garrison was removed from the city, although Antioch was an important point for the defence of Syria.

The legion consisted of 6,000 infantry and 730 horse, all Roman citizens; at different periods its number varied a little, without departing widely from what we may consider as the standard. It was divided into ten cohorts, the cohort into six centuries, excepting the first, which had ten, containing the flower of the legion. The 730 horse were divided into twenty-two companies (*turmae*) of thirty-three men. Each century had its standard, which in battle served as a rallying point. *Speculatores* and *exploratores* acted as scouts.¹

The Italians were exempt from military service;² yet there were some of them who wished to follow the career of arms. For these persons and for the citizens who had not been able to gain admittance into the legionary service, special corps were created (*cohortes civium Romanorum*). The service in these was less severe than in the legions, the arms less heavy, the pay less tardy. Provincials, not being citizens, and the allied kings or peoples furnished the auxiliaries, the number of which, varying according to need, was nearly equal to that of the legionaries. These squadrons (*alae*) and auxiliary cohorts habitually bore the name of the province or people who had furnished them.

Each legion, amounting, with its auxiliaries, to twelve or thirteen thousand men, had its line infantry and its light infantry, which answers to our *tirailleurs*, its own cavalry and engines for hurling darts or demolishing ramparts; that is to say, a field and siege artillery. It was a complete army, and our divisions are still organized in the same manner, though with different means. But it is worthy of remark that the Roman army was always in divi-

¹ According to Vegetius (ii. 6), the first cohort, which carried the eagle and the images of the Emperors (*divina et praesentia signa*), had 1,105 foot soldiers and 132 horse: the nine others consisted of only 555 foot soldiers each and 66 horse; the total for the whole legion being 6,000 foot and 726 horse, which gives, for the time of Vegetius, a very much larger proportion of horse than in the ancient legions.

² Herodian, II. ii. and iii. 7. Levies took place there only under very grave circumstances.

sions, since the only formation known to it was the legion, which represents a French division.

The golden eagle which served as a standard was the symbol of country, duty, and honor, and to this symbol the soldiers paid real worship. "The eagles," says Tacitus, "are the gods of the legions."¹



AN AUXILIARY HORSEMAN.*

In the organization of the legion we find no especial engineering corps. The *fabri*, or smiths, who for certain work took the place of our engineers, were not attached to the legions, but were divided

¹ . . . *Propria legionum numina* (Ann. ii. 17).

² Châlon-sur-Saône: east at Saint-Germain, No. 26,325. The inscription, which contains many orthographical errors due to the stone-carver, should read thus: ALBANVS EXCINCI F(ilius) EQVES ALA(e) ASTVRVM NATIONE VBIVS SIPP(us) XII AN(norum) XXXV H(ic) S(itus) EST (instead of F, carved by mistake) RUFVS FRATER ET AIRA (for *heres*): Albanus, son of Excineus, horseman of the wing of the Astures, Ubius by descent, having served twelve years and lived thirty-five, lies here—Rufus, his brother and heir.

among the military provinces under the supreme authority of the general, who himself appointed their chief (*præfectus fabrum*). All the soldiers were alike able to work in the construction of the fortified camp which was formed when in the enemy's country, though but for a single night's occupation. Hence the Roman soldier was ready for everything, because he had been taught to do everything, and his industry was even directed to works of civil utility when war was at a stand. Thus Marius, two thousand years ago, by the *fossa Mariana*, improved "the incorrigible mouths of the Rhone;" and we have but just now repeated his work in making the St. Louis canal, which up to the present time does less service. To pass around to the north of Germany, the soldiers of Drusus diverted a part of the Rhine into Lake Flevo, and the *fossa Drusiana* has become the Yssel; Corbulo's soldiers dug a canal between the Meuse and the Rhine, to render the inroads of the ocean less dangerous; Rufus opened up mines; one of Nero's lieutenants planned cutting the plateau of Langres to unite the Moselle and Saône by a canal, which was not completed till eighteen centuries after a Roman had conceived the idea of it. And I do not speak of the roads and bridges constructed throughout the whole Empire, nor of the harbors formed on every coast, nor of the marshes drained and hill sides planted with vines by their hands, nor of those immense fortifications with which they covered two thousand leagues of frontier.

These never-ending labors, to which history and inscriptions testify, were the great disciplinary means used by the Romans; the generals dreaded the inactivity of the soldier to such a degree that they ordered him to do work which was actually needless. Thus Frontinus, the author of the *Stratagems*, praises the consul Nasica for having, during a winter, employed his legions in building a fleet for which he had no use.¹

The Roman army was called *exercitus*, — i. e. the men who

¹ The Roman troops even built temples, porticos, basilicas; and we read in the *Digest* that a proconsul was permitted to employ soldiers in the construction of public buildings in the provincial cities (*Digest*, i. 16, 7, sec. 1). In this case the cities provided the money. Thus a torrent swept away the road in the vicinity of Abila, near Damascus; the legate of Syria ordered the 16th legion to open a new road in the mountain, *impunitis Abila cunctis* (De Sauley, *Voy. en Syrie*, ii. 506). The *legio IIIa Gallica* similarly cut through a mountain to make a road in Syria above the Lycus (*C. I. L.* vol. iii. No. 206); and there are many other examples).

worked; and it conquered the world as much with the pickaxe as with the sword.

To conclude, the most military people of antiquity were led by the experience of centuries to lay down the following principles:

1. No small garrisons.
2. The union of soldiers of all arms into twenty-five or thirty army corps, each of which was made up of a legion and its auxiliaries.
3. The stationing of the legions on the frontier, in face of and near the enemy, in intrenched camps, whose sites were so well selected that many of these camps have become important cities,¹ and that this army of three hundred and sixty thousand men was able for three centuries to make an immense frontier impassable, though bordered by rapacious Barbarians, and even by powerful kingdoms.

4. Incessant works of civil or military utility, imposed on the soldiers to keep them in good condition and to prevent inactivity and weariness, with the consequent loss of discipline.

5. Lastly, an ever-increasing importance of what we must call the siege and field artillery. "We may observe," says Gibbon, "that the use of machines in the field gradually became more prevalent in proportion as personal valor and military skill declined with the Roman Empire. When men were no longer found, their place was supplied by machines." In the time of Gibbon this observation seemed just; at the present day it has ceased to be so. Heroism in war changes its form without changing its nature, according as the struggle takes place hand to hand or at a distance, as happens where engines of war are employed. With the latter the soldier needs military virtues, — often more rare than boldness and impetuosity. The increasing use of artillery among the Romans does not, then, indicate the decline of military spirit, but rather the progress of science as applied to warlike matters: and the *Poliorcetica* of Apollodorus is a proof of this.²

At Rome, in the grand period which formed the greatness of the state, military service was obligatory. It would not have

¹ Respecting the *castra* originating cities, see L. Renier, *Essai sur l'Étymologie*, p. 22, and the Memoir of M. Robert on the *Établissement des cités romaines*.

² See Vol. V. p. 323.

been understood that what belonged to all, *res publica*, should not be defended by all. The Roman citizen was required to arm and fight whenever his country called upon him, and this obligation began as soon as he had reached his seventeenth year.¹ A refusal to serve entailed the loss of property and liberty, and sometimes even the penalty of death. Under Augustus a Roman knight who had mutilated his two sons, to incapacitate them from serving, was sold as a slave, and refractory persons were executed.

The Republic also still further protected the military service, — a man could be a candidate for public office only after having passed at least ten years in the army. For two centuries and a half the Empire kept to this principle, but considerably reduced the duration of service.

In the eyes of the Romans the army was so much the native country itself that it was organized after the model of the latter. The slave was not considered as part of the civil society; accordingly, he remained outside the military organization, and any slave found in the ranks of the legion was punished with death. One class of citizens even were originally excluded from the service, — the proletariat, who, not paying taxes, had but a semblance of political rights. "This was very just," says Dionysius of Halicarnassus; "for arms should not be intrusted to citizens whose poverty offers no guaranty to the state." This condition ceased to exist at the beginning of the civil wars which destroyed the Republic, and Augustus did not again establish the exemption, or rather the exclusion, to which the proletariat had been subjected.

He preserved the distinction between the legionaries, who must be citizens, and the auxiliary corps, which were composed of *peregrini*. In law, all those who had the *jus civitatis*, except the Italians, were liable to military service; and the numerous cohorts² which they formed, prove that there were volunteers enough to fill readily, in ordinary times, the annual vacancies in the

¹ Aulus Gellius, *Noct. Att.* x. 28. In the second Macedonian war every man under forty-six was called out (Livy, xliii. 14). Under the Republic, therefore, military service was compulsory during a period of thirty years (17-46), unless a man had made ten campaigns in the cavalry and twenty in the infantry.

² We know the Thirty-second (Or.-Henzen, Nos. 90, 512, 6, 756).

legions.¹ In the case of the provincials, the government determined, according to actual needs, how many soldiers each province must furnish;² and as a basis was required for the apportionment, that was taken which was the chief administrative engine of the Romans, namely, the census. Recruiting became a tax which land-owners must pay: so many soldiers to so much property. A rich man was taxed in several recruits: several poor persons were united to furnish one; and even women paid this tax.

This system arose from ancient customs. Before the Roman sway had extended itself beyond Italy the Italians were bound to arm a definite number of auxiliaries, and Polybius tells us the number of the quotas which were ready in 225 B.C. to join the Roman army at the time of the Gallic invasion. In the evil days of the Second Punic War the citizens were made chargeable, each in proportion to his property, for one or more soldiers: and Augustus twice had recourse to the same means. He compelled the rich of both sexes to set at liberty certain of their slaves, so that he could immediately enroll these freedmen in the cohorts.³ The Republic had therefore bequeathed to the Empire the practice of levying soldiers from its subjects, and the means of rendering these levies less onerous, by finding a general rule for them (*census*). Augustus drew up a general rule doubtless to this effect. The state verified the age, the height, the bodily strength of the conscript: only the most vigorous were selected: and Dion adds, "and the poorest."⁴

Each legion was commanded by a legate of praetorian rank. After him came the tribunes in command of the ten cohorts: the prefect of the camp, acting as commandant in the castra and major in the field; sixty-four centurions or infantry officers; twenty-

¹ This is not contradictory to what has been said in the case of Tiberius. What that Emperor complained of was not a lack of volunteers, but of efficient ones.

² . . . *Inductis per provincias tirociniiis* (Amm. Marcell. xxi. 6).

³ *Viri famulaveque ex census liberti, et sine mora manumissos* (Vell. Paternulus, ii. 111). . . . *Premissimilibus indictos et sine mora manumissos* (Suet., Oct. 25; Dion, liii. 31). Vitellius did the same (Tac., *Hist.* iii. 58).

⁴ . . . οἱ τε ἱσχυρότατοι καὶ οἱ πενέστατοι (Dion, liii. 11). Dion well formulates the system. . . . τοῖς μὲν ἄλλοις πάντα ἄνευ τε ὀπλων καὶ ὅτι τεύχεα ζῶντες ἐκ κομινησέστων καὶ ἡμαδιστα δεομένοις καταλέγεσθαι τε καὶ ἄσκειν (li. 27). Vegetius (i. 7, and ii. 4) says also. . . . *Possessoribus indicti tirones*, and the *Digest* (l. 4, 18, sect. 3) reckons among the *munera* the *tirumum productio*. Cf. Code of Theodosian, vii. 15, 7, and the Code of Justinian, xii. 20, 2.

two decurions or cavalry officers; finally, eight or nine inferior grades of various names, collectively called *principales*,¹ our non-commissioned officers. The religious service was represented by the *victimarii* and the aruspices; the health service by surgeons and veterinary surgeons, and each camp had its hospital (*valetudinarium*).²

The pay was ten ases per day, or two hundred and twenty-five denarii per annum, — three hundred after Domitian, — out of which clothing, arms, and tent must be purchased and maintained. The state furnished only rations; but later it also gave clothing and arms.³ Each cohort had a savings-bank, administered by *librarii*, or accountants under the oversight of the tribune. The soldier invested in it the savings from his pay, his share of booty, and the *donativum* accorded by the Emperor at his accession. The property of a deceased soldier without heir fell to the legion, as that of the decu-

¹ Levies were made by the *dilectator*, who acted in a more or less extended area, the *inquisitor*, who ascertained whether the recruit presented were fit for service, and the *legatus ad dilectus faciendos*, who centralized the work for a whole province and doubtless assembled the recruits there and sent them to their respective corps (L. Renier, *Mél. d'épigr.* p. 86; Cuq, *Memoir on the Examiner per Italiam*, pp. 11–23; and the *Acta sincera*, p. 299). Special commissions were given to legates (Caesar, *Bell. Gall.* vi. 1; *Bell. civ.* i. 30) and to senators (*ibid.* i. 12). Cf. *C. I. L.* vol. iii. No. 1,457: *Missus ad juventutem per Italiam legendam*. Certain provinces supplied certain armies; e. g. in 64, levies were ordered in Narbonensis, and in proconsular Africa and Asia, to fill vacancies in the legions of Illyria, where many discharges had occurred (Tac., *Ann.* xvi. 13). As regards the total of the yearly recruiting, it can be determined in this manner: the thirty legions, with their auxiliaries, made up about 360,000 men. If discharge had always been granted after twenty years' service, a twentieth of the effective force, or 18,000 soldiers, would have been dismissed yearly; but for the reason I have given (Vol. IV. p. 388) it was usual to keep the number as low as possible. Supposing a third of this number to be retained, there would be 12,000 vacancies to be filled up. But the annual losses by death, by sick-leave, etc., were doubtless the same as in our army, nearly 4 per cent, and rather below than above this estimate, because the soldiers never left at all what we should call their garrison. Now 4 per cent on an effective force of 360,000 gives 14,400 dead, retired, etc. If we put it at 13,000, we shall have a total of 25,000 annual recruits, — a result reached by other calculations.

² Many inscriptions mention medical men as attached to the legions, the auxiliary troops, the corps doing garrison duty in the city, and lastly to the fleet. They had the rank, pay, and rations of the petty officers (*principales*), and probably there was one for every 250 men. They were commonly Greeks. Each camp contained a *valetudinarium*, which Trajan and Alexander Severus were accustomed to visit; there was even a *veterinarium* for the horses, and the field hospitals had their attendants, *optiones valetudinarii* (Briau, *Du service de santé militaire chez les Romains*). An inscription of Lyons, No. 320, speaks of a *sacerdos castrensis*.

³ Lampridius, *Alex. Sev.* 52; Dion, lxi. 12. From the time of Polybius (vi. 39) the state gave four *modii* of corn per month, or forty-eight per year. This amount must have been increased and made the same as that of the distributions at Rome: namely, sixty *modii* per annum.

tion belonged to the curia. We have previously treated of the military colleges and their relief fund.

In the time of Polybius the centurion received only twice as much, and the tribune four times as much, as the common soldier; in the second century the tribune's pay was twenty-five thousand sesterces, and we shall see Aurelian reach a much higher amount.

Under the Republic the military oath was taken in these terms: "In the army itself, or within a distance of ten miles, alone or with several, I will not take anything exceeding a sesterlius in value. Should I find outside the camp an object worth more than a sesterlius, I will within three days deliver it up to the officers. Never shall fear make me quit the standard, and I will never leave the ranks except to pick up a javelin, strike an enemy, or save a citizen."²

Under the Empire the soldiers swore to carry out, without hesitation or fear, the orders of the Emperor; never to desert; to die, if necessary, for the Roman people; and to do nothing contrary to the laws.³ This oath was renewed every year on the 1st of January, and was faithfully kept; for if we except the two years of anarchy (68, 69), when the legions made three Emperors, we shall find, in the space of more than two centuries, only three military insurrections, not one of which succeeded.⁴ This remark of course does not apply to the praetorians.

On reaching the camp the young soldier received a *signaculum*, or medal, usually of lead, which every soldier wore round his neck as a means of identification, and he was then given in charge to the instructors and drill-sergeants (*doctores armorum et lanistae*). His armor was heavy; during the drill he used arms heavier than those used in warfare, and he was taught, says Vegetius, to thrust, and not



CENTURION OF THE ARMY OF VARUS
(1ST LEGION).¹

¹ Museum at Bonn. Cast in the Museum of Saint-Germain.

² Polybius, vi. 21 and 33.

³ Dion, lvi. 3; Vegetius, ii. 5.

⁴ Those of Scribonianus in Dalmatia against Claudius; of Antoninus in Germany against Domitian; of Avidius Cassius in Syria against Marcus Aurelius.

to cut. He was furthermore trained in leaping, in swimming, and even in a sort of warrior dance, which was thought suitable, by its rapid movements, to astonish and intimidate the adversary. He was obliged to habituate himself to clearing ditches and hedges, to climbing steep slopes, and uttering the war-cry, — that terrible *barritus*, “itself enough,” says Caesar, “to animate an army and terrify the enemy.” The usual march was at the rate of four miles an hour, the quick march was twenty-three miles in five hours. Three times a month they went out to march.

They practised drill as our men do, the cohort being for them the tactic unit, as the battalion is for us; they had even what we call “sham fighting,” the evolutions being regulated by the orders of the officers, the movement of the standards, and the sound of trumpets. Their exercises took place twice a day for the recruits, once daily for the old soldiers; and no man could be excused, except the veterans. This training, the most complete education of the physical man, gave the soldier his highest value as an individual, while the cohort gained by the precision of movements an admirable cohesion. Josephus says, “They never suspend their drills; it seemed as though they had been born with their arms.” Even the name of the army, *exercitus*, told the soldiers as much.

But the great strength of the legions lay in their discipline, which Valerius Maximus calls “the most sacred discipline of the camps.”¹ The soldier’s obedience was absolute; and this respect for military law extended from the lowest of the legionaries up to the commander-in-chief. One day Trajan summoned to his tent a centurion, a man who later became the second personage in the Empire. Some tribunes were gathered outside the tent waiting to be introduced. Instead of taking advantage of this favor, the centurion said to the Emperor: “It is a shame, Caesar, for you to be in conversation with a centurion when tribunes are standing and waiting at your door.” This is a trivial incident, but the spirit which it shows is extraordinary.

The disciplinary punishments were the reprimand, withholding pay, forced labor, degradation to an inferior service or a lower rank, expulsion from the army. Thus Caesar expelled a tribune who, in

¹ Some gold coins represent Hadrian followed by soldiers bearing standards with the inscription: *Disciplina aug.* (Cohen, *passim*).

the expedition to Africa, had loaded a vessel with his baggage, instead of putting soldiers into it.

Roman discipline admitted of corporal punishments, and very frequently the centurion's vine-rod fell on the shoulders of the legionary. The cases of capital punishment were numerous, the sentence being pronounced without hesitation and executed without delay. The Romans knew that victory depends on discipline, and discipline on strict obedience to rules, and that, not to have hesitating soldiers, which means the certainty of defeat, there must be placed behind those who fall back the law with all its severities. The troop which had fled was decimated: the coward was scourged or put to death: the deserter was either thrown to the wild beasts or sent away with his hands cut off: and disobedience received the same punishment as treason.

By a strange inconsistency the Romans did not make the general's want of skill a crime: they believed so much in Fortune, Destiny, and Chance — divinities very indulgent towards human weakness — that they were accustomed to charge to the gods that which often proceeded from the incapacity of men.

Thus the Roman citizen, so free and proud under the Republic, whose hearth was inviolable and life sacred, who could not be scourged or put to death, even by the sentence of the entire people, was, in the interests of his country, placed under the severest military system.

I pass to the system of rewards. They were of two kinds: the soldiers received either money (*donativum*) or arms, honorary collars, and medals, corresponding to our decorations, — a very ancient usage, since it took several men to bear those which had been given to Sicinius Dentatus, one of the victims of the decemvirs.¹

¹ An acephalous inscription preserved in the Capitol says that the person to whom it is dedicated, probably Sura, served under Trajan as legate propraetor in the Dacian war, and there gained eight spears of honor (*hasta pectus*, or pointless), eight standards (*—*), two mural crowns, two siege crowns, two naval crowns, two crowns of gold, and that the Senate, at Trajan's request, decreed him the insignia of the triumph and a statue. Ordinarily a tribune could obtain only two spears and two standards; the legates, governors of provinces, and generals, four: from this double reward we infer that Sura had served in the two Dacian wars. To these decorations, which were worn on holidays, were added collars, gold or silver chains, and bracelets, medals (*—*) of beautiful workmanship, the mural and civic crowns, etc. For the general commanding, the greatest military honor was the triumph. Orosius (vii. 9) reckons three hundred and twenty triumphs from Romulus to Vespasian;

Under the Republic the legionary could marry, because he was a citizen before all, and a soldier by circumstance; but entrance to the camp was forbidden to women. Under the Empire this prohibition continued; and as the soldier continued all his life, or but little short of it, under arms, it entailed the actual prohibition of marriage, or at least of what the Romans called *justæ nuptiæ*, which alone had civil results and enabled a son to succeed to his father's property. As compensation, Claudius accorded to the soldiers the privileges established by Augustus in favor of fathers who had three children. But Nature asserted her rights, and many illegal unions were formed and tolerated. Still, it was only after having obtained his discharge that the veteran could exchange the *concupinatus* for the *justum matrimonium*, and that his wife became a matron, and his children citizens.

The discharge from the legions was obtained only after twenty, and later after twenty-five,¹ years of service. Then the veteran received the sum of 12,000 sesterces (about \$570): this was our retiring pension, which is so much larger. He had the right to carry the centurion's vine-stock, he obtained exemption from certain taxes, and from all personal duties, which were very numerous in the cities. If accused of crime he was allowed in the prison a separate and better place, he could not be put to the torture, condemned to be beaten with rods, or thrown to the beasts in the amphitheatre.²

Instead of money, he was often, on the frontier, given land and a house, with the slaves and animals needful for farming. France has done the same thing in Algeria, and ought to do it more generally. Many writers have wrongly seen in these grants the origin of fiefs. Sometimes the cities honored these defenders of the Empire with a municipal benefaction. An inscription at Nîmes commemorates the fact that the decurions presented a veteran with

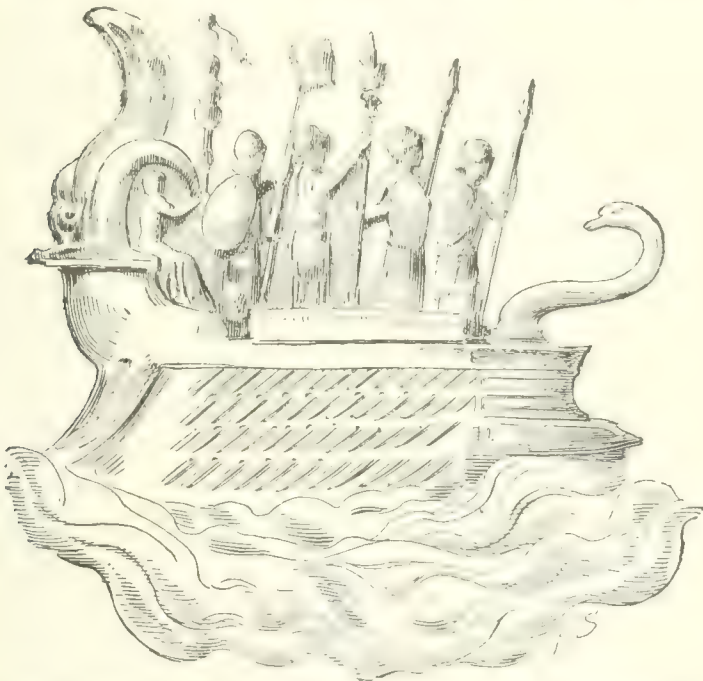
there were about thirty more up to the last which was celebrated at Rome, that of Diocletian (Eutropius, ix. 27).

¹ *Quina et ricena stipendia* is the usual formula; but inscriptions mention soldiers who had served forty-five years (C. I. L. iii. 266).

² These advantages were granted to those only who had obtained the *honesta missio*. We possess to this day seventy-three of these military discharges; the *honesta missio* assured the veterans of the auxiliary corps the *jus civitatis* and the *jus connubii*. To complete what has just been said about the Roman army, see above, Hadrian's military reforms and his works of fortification on the frontiers.

a field near the walls, with fifty modii of corn to sow it, and with free entrance to the city baths.¹

The legions with their auxiliaries represent the army of the line; the ten praetorian cohorts, or imperial guard, under the command of one or two prefects, and the urban² cohorts, commanded by the prefect of the city, formed, as it were, its reserve. The



QUADRIREME FROM THE REVERSE OF A BRONZE OF GORDIAN III.³

praetorian cohorts were at the beginning of the Empire formed of volunteers from Etruria, Umbria, Latium, and the older Roman colonies; later they were taken from the whole of Italy, the Spanish colonies, and those of the warlike provinces of Macedonia and Noricum.⁴ From the time of Septimius Severus they were

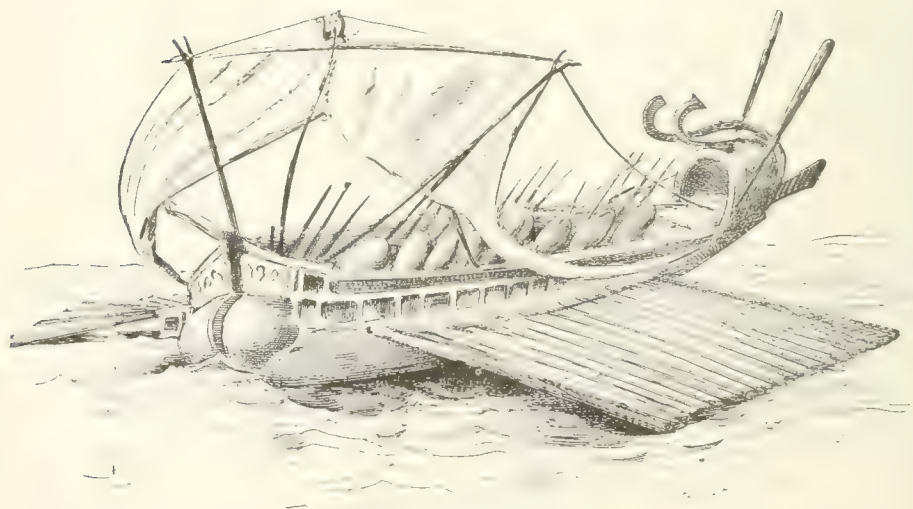
¹ Herzog, pp. 109-116.

² Tac., *Ann.* iv. 5. Under Vitellius there were exceptionally sixteen praetorian cohorts and four urban, each with a thousand men (*ILL. Hist.* ii. 93); afterwards a return takes place to the total of ten praetorian cohorts with ten troops of cavalry (Dion, *lv.* 24, and *Diplômes militaires* of M. L. Renier, Nos. 1, 2, 5, and 6, for the years 161, 208, 243, and 248). The four urban cohorts, of fifteen hundred men each, were next in rank to the praetorians, as is proved by three inscriptions of Lyons, which mention a *XIIIa coh. urb.*

³ This coin bears the inscription: *TRAJECTUS AVG.* (The crossing of the Emperor.) Cohen, No. 323. (*Cabinet de France.*)

⁴ Dion, *lxxiv.* 2.

composed of the flower of the legions, who, we have seen, came from all the provinces. Thus these soldiers, selected from the midst of populations which had been the first attached to the



VESSELS OF WAR.¹

fortune of Rome, or, as colonies, owed their origin to her. were, in the imperial army, the most Roman element; and as in their ranks were found the choicest of the legionaries. the legions

¹ Paintings of the temple of Isis at Pompeii, from Nicollini, vol. ii.

themselves accepted them as representatives of the army, although they did not share with it either the rough work or the dangers. After Nero's death the legions of Germany had sent secret messengers to the praetorians with this message: "Choose an emperor whom we can accept." This right of electing to the Empire exercised by the imperial guard as a power delegated to it by the army, was not at that time offensive, because as the legions admitted none but citizens, it seemed as if the best part of the people was that which was under the standards.

The praetorians had three times the pay of the legionaries, namely, two denarii a day, or thirty-two ases, in place of ten,¹ and a shorter length of service,—sixteen years, instead of twenty; but at first they did not have free rations. These Nero gave them, and Domitian increased the pay of all ranks by one third.² The pay of the urban guards was only half that of the praetorians. These troops protected the Emperor, Rome, and Italy, where several stations of praetorians have been identified. Accordingly, common opinion ranked them above the legions; but the seven cohorts of the watch,³ each containing a thousand men, perhaps fifteen hundred, were ranked below the legions, because they were made up only of freedmen.⁴ When we add to these troops a number of veterans (*evocati*) still remaining in the service; some German and Batavian horsemen, forming the Emperor's body-guard; some *singulares*, or the pick of the auxiliary cavalry; some marines; some *frumentarii* drawn from all the legions and kept at Rome to fulfil various duties,—we see that the capital of the Empire had a considerable garrison, and a whole army ready to march to the Alps if any danger showed itself there.



SHIP LADEN WITH
TROOPS, ON A LARGE
BRONZE OF HADRIAN.

The two praetorian fleets of Misenum and Ravenna guarded the Tuscan and Adriatic seas, and in case of need united their

¹ Tac., *Ann.* i. 17.

² Besides pay and rations, the soldiers seem to have obtained, in the third century, uniforms also. Cf. Lampridius, *In Alex.*, and Vopiscus, *In Aurel.*

³ One for every two regions of the city.

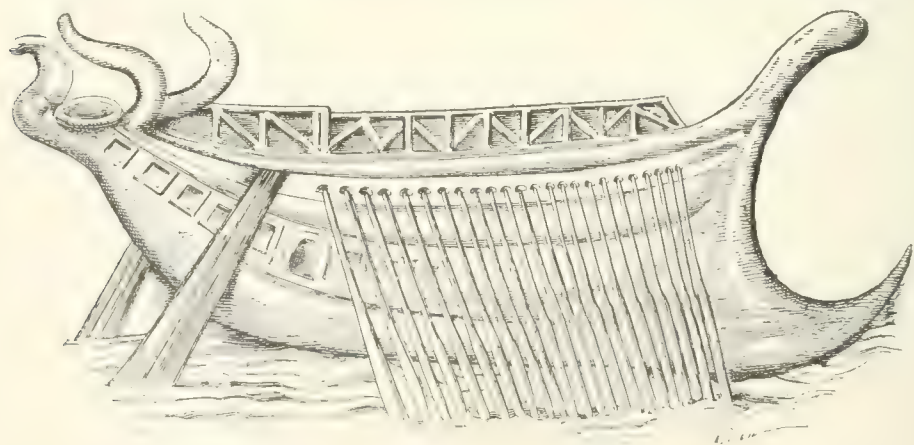
⁴ By three years' service they could get the corn *tessera*, and consequently the full freedom of the city.

forces with two divisions of the imperial fleet, of which Forum Julii and Aquileia were the ports for equipment. The Euxine was



BIREME (BAS-RELIEF OF THE VILLA ALBANI).

guarded by forty vessels, carrying three thousand men; the Archipelago, the coasts of Syria and Egypt, and the British Channel, by the fleets of Carpathos, Seleucia, Alexandria, and Britain. The Rhine

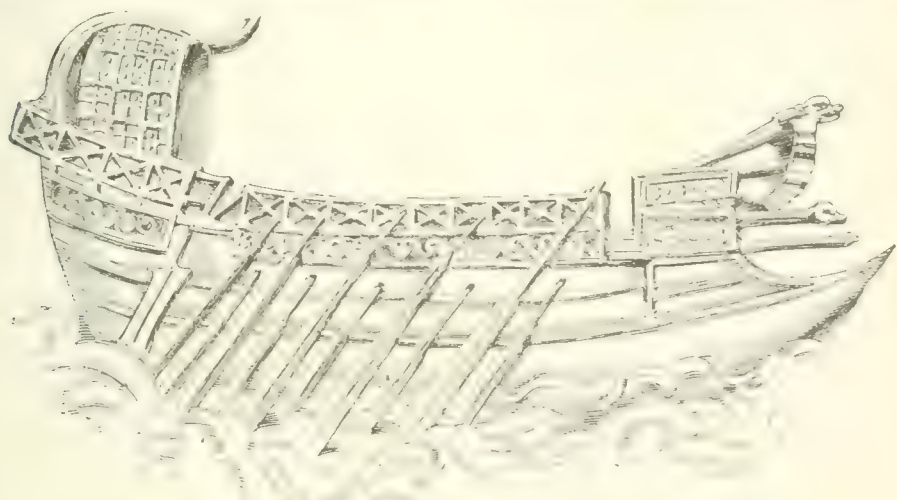


LONG SHIP WITH FIFTY OARS, FROM A MOSAIC FOUND NEAR POZZUOLI.¹

and Danube had powerful flotillas, and some vessels of light draft were stationed on the Rhône, Saône, Seine, even on the lakes of Como, Neuchâtel, etc. The vessels of the fleet were called galleys

¹ Jal, *Archéol. navale*, i. 25.

of three, four, and five banks of oars. — *triremes*, *quadriremes*, and *quinquereines*, according to the number of banks of oars or of the oarsmen in each row. The crews were composed of gangs of freedmen and *pergrini* recruited in the districts along the sea and rivers, who obtained their discharge and Roman citizenship only after twenty-six years of service. Instead of a rudder, these galleys were directed by two large oars acting at the two sides of the stern,¹ and at the



BIREME, CALLED THE IMPERIAL GALLEY (TRAJAN'S COLUMN).

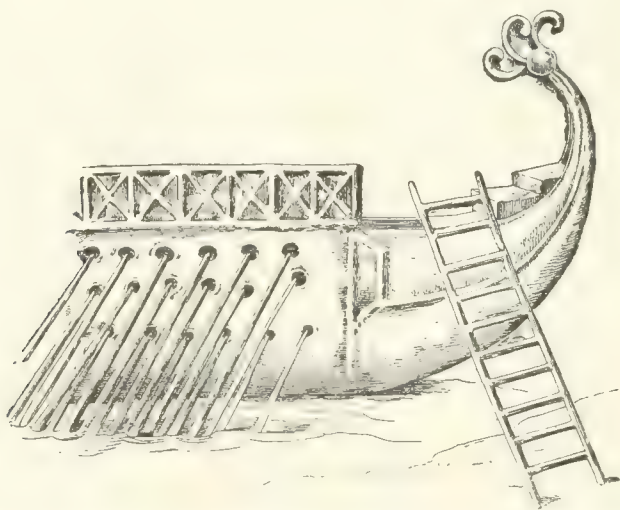
bows there was a ram. For an engagement, legionaries came on board, and all the tactics of these vessels were those to which our modern fleets are returning: namely, ramming the enemy.²

Later we shall see this army, so long victorious, becoming unable to resist the Barbarians. Already we observe that the separation instituted by Augustus between civil and military society had had its inevitable consequences. First, it had been necessary to grant privileges to the soldiers as regards *peculium*, testaments, and mar-

¹ The rudder is an invention of the Middle Ages. It is found for the first time on a medal of Edward III. (Marquardt, vol. iii. part 2, p. 396.)

² On the organization of the naval forces, see Egidio Ferrero, *L'Organizzazione delle armate Reali*, pp. 23-65, and Corazzini, *Storia della Marina Reale* (Legnano, 1882). On the question so much discussed respecting the arrangement of the oars and of the rowers, the most recent work is that of L. Fincati, *La Trireme*, Rome, 1881. I do not profess to solve the problem, but Admiral Fincati seems to me to take an excellent starting point when he says of the *poliorcemi antichi*, *le quali le tante circostanze di tempo e di luogo, di natura e di razza, le siciliane, le quaresime del mediterraneo, che sempre finirono per essere di più o di meno una continuazione non ininterrotta ed invariabile della flotta dell'Impero romano*.

riage, without speaking of the gratuities procured them by changes in the succession, by adoptions, and all the great events in the Emperor's life. In the second century they were already, in the eyes of the rhetorician Aristeides, a special class, which he compared to the warrior caste under the Pharaohs. Juvenal mentions these advantages of military life, nor does he exaggerate when he points out "the man in a toga" vainly asking justice of the centurions against the soldier who has broken his teeth or knocked out his eye. In Thessaly a legionary meets a gardener riding on an ass and addresses a question to him in Latin, which the Greek does not



TRIEME, FROM AN ANCIENT PAINTING OF THE FARNESE GARDENS.¹

understand. The soldier is angry, strikes him, pulls him off his ass, and then attempts to seize the animal. Upon this the peasant regains his courage, leaps at the soldier's throat, knocks him down in turn, thrashes him soundly, and leaves him for dead. The gardener takes refuge in a friend's house in the neighboring town. But the soldier, reviving, stirs up his comrades; they accuse the gardener of having stolen a silver vase; he is taken, condemned, and executed.² This story, in which Apuleius wishes to picture the insolence of the soldiery, must be as credible as Juvenal's representation. The same thing has taken place wherever the army has gained a preponderance in the state.

¹ Turnbull, *Treatise on Ancient Painting*, p. 1740.

² Apuleius, *Metam.* ix.

VI. — THE FINANCES.

FROM what resources were the Romans enabled to build those vast constructions with which they covered the whole Empire? How were the expenses of the court, the administration, and the army provided for? We know whence the cities obtained their revenues, and their usual employment of the money; but we are not able to give the total of the receipts and expenditure. In this respect we have no more light upon the period of the Antonines than we had concerning the time of Augustus. We can only say that when the treasury¹ was not emptied by the senseless or shameful prodigalities of Nero and Vitellius, it was easily kept full, and enabled the Emperor, after providing for all the state services, to satisfy liberally the necessary expenditure for the splendor of the Empire.

We have already explained this financial organization; we shall need to return to it only at the period when the taxes, so light a burden for three centuries, will have become unbearable. For the early Empire it has no political interest, and from an administrative point of view a brief enumeration will suffice.

The services of religion cost little. The temples and priests were supported by foundations, the revenues from which covered the ordinary expenses of worship, — the purchase of animals for sacrifice, and the celebration of festivals. The state had occasion only to furnish assistance to enable the solemn feasts to be more worthily celebrated, especially the public games, which in their origin were religious acts; and we have seen how slight this aid was.

There was no body of judges nor diplomatic corps to pay, and the share of the state in the expenses of public education — an essentially municipal charge — was confined to the endowment of some professorial chairs and the support of the libraries of Rome and Alexandria. Private persons did the rest. The state expended more for the aid given by the *annona* and the *congiarii* to the

¹ I say the treasury, for the Emperor drew freely from three revenues, — the *quæstus publicum*, the *quæstus militare*, and the *res ædium* (see Vol. IV. p. 153), among which Dion declares (liii. 16) that there was no difference.

populace of the capital, and by the alimentary institution to poor children throughout Italy. If the state had not, as we have, a large sum of interest to pay on a national debt, it was compelled then, as now, to devote to works of general utility or embellishment, and especially to the administration and to the army, almost all the resources of the treasury.

Every Emperor considered it a point of honor to adorn Rome with some monument on which posterity could read his name, to carry out useful works in Italy, to relieve provincial cities ravaged by any scourge, or aid them by a grant in the completion of some enterprise.¹ Of this inscriptions furnish abundant proofs. One of them even gives us, in reference to a grant by Hadrian for the repairs of a road, the cost of the work as a hundred thousand sesterces per mile.² From time to time the Emperors made donations of another sort: Hadrian on one occasion gave up arrears of taxes amounting to nine million sesterces.



TEMPLE OF ROME. ON A
COIN OF HADRIAN.
(BRONZE.)

Even if we knew the total of the pay and nearly the number of soldiers, yet too many items are wanting for it to be possible to say what was the whole cost of the army. In our estimates it is usual to allow about a million francs [\$190,000] for a thousand men with the colors; it is probable that the proportion between these numbers was about the same in the Roman Empire.³

¹ Friedländer has collected (vol. iii. pp. 122-127) a good number of figures showing the considerable sacrifices made by the Emperors for this twofold form of aid. The Roman Republic had to pay for the transport of the corn, which it farmed out to companies of publicans; under the Empire, especially in the later centuries, it transferred this duty to corporations of carriers by water, whom it paid by a grant of privileges and exemption from taxes. The corn from Egypt and the Oriental provinces was also conveyed to Constantinople by *possessores*, who, in their native provinces, had not to furnish the *annonaria praestatio* (*Code Theod.* xiii. 5. 11). The state thus gained the cost of transport, and lost nothing by it on the *annona*, the fellow-citizens of those exempted paying for them.

² Mommsen, *Inscr. Neap.* No. 6,287.

³ For regular pay alone we reach eighteen hundred thousand denarii a legion. To this expenditure must be added the unknown sum needed for the double pay of a large number of soldiers; the allowances of the officers, which rose rapidly (twenty-five thousand sesterces to a legionary tribune); the donations to the veterans; the allowances in kind made by the state, which will become daily more considerable (see Treb. Pollio, *Claudius*; Capitolinus, *Gordian III.* 28; and Vopiscus, *Aurélian*); the repairs of engines; the body of workmen; the medical service; the *donativa*, of a single one of which, that of Hadrian after the adoption of Verus,

The allowances or indemnities to the public functionaries of every class must have required considerable sums.¹ What did the court expend? Less under the good Emperors, more under the bad ones; but always a good deal, for the palace supported a whole population of servants and dependents, and we know that the physician of Claudius received five hundred thousand sesterces as fees, and the preceptor of the grandsons of Augustus one hundred thousand.

The Romans asserted, as we do, that to provide for public expenses the state had the right to impose a tax on anything that secured an advantage or a pleasure, and still more, that subjects owed the *tributum soli* for the ransom of the lands which victory had delivered up to their conquerors.² This was the theory of direct and indirect taxation. But while moderns derive their greater revenue from the latter, the Romans demanded it of the former. Especially they taxed landed property, which had to supply, besides these contributions in money and forced labor, enormous payments in kind for the wants of the palace, the administration, and the army. Thus were they led to concede to the land-owners privileges in exchange for the charges with which the latter were weighed down: so that the financial arrangements of this society became a new cause of separation between the classes of citizens.

1. *The Land-Tax*. — The lands were divided, according to their produce, into different classes. — lands of the first and second class, meadows, oak forests, ordinary forests, pasturage, pools, salt-works, etc. On the roll — which was renewed every ten years — were inscribed the name of the domain, the names of the canton and state in which it was situated, the number of acres of arable land; the number of trees, vines, and olive-trees which it contained; the extent of meadow and pasture land; the nation, the age, the employment of the slaves belonging to the property.³

The land-tax was payable at three dates. — on the first day of September, which was the beginning of the financial year, on the first of January, and the first of May.⁴

amounted to three hundred million sesterces, etc. I have already remarked that the *aureum* was a relic of the triumphal gold.

¹ See above, p. 221.

² Dion, lii. 28.

³ Ulpian in the *Digest*, l. 15, 4.

⁴ These were the dates on which, after Augustus, corn was distributed at Rome, and, after Domitian, the soldiers received their pay (Suet., *Dom.* 40).

The corn required for the civic *annona*, which supported Rome, and for the military *annona*, supplied to the army and state functionaries, was in reality only a part of the land-tax. It was the same also with the *cellaria*, or deliveries of wine, meat, oil, vinegar, wood, forage, and clothing.

The Romans settled in the provinces had to pay the *tributum soli*, which was fixed on the land, not on the person;¹ but Italy did not pay this.

2. *The Capitation-Tax.*—This, on the one hand, was levied upon merchants, manufacturers, bankers, and all those who, not being landed proprietors, possessed capital or personal property; and on the other hand, on those who helped these persons in preserving their goods or increasing them, as the wife, the child of full age, the peasant laborer, the slave. For the former the capitation-tax was proportional to their property; for the rest, it was only a personal payment. In Syria, according to a text in Ulpian, girls under twelve, boys under fourteen, and old men over sixty-five were exempt from this tax;² but if Dion is to be believed,³ beggars had to deduct somewhat from their income for the fiscus. Doubtless the beggars referred to are those of whom Lucian speaks, in whose wallets were found gold pieces, mirrors, perfumes, and dice.⁴

3. *The Twentieth on Inheritances and Legacies.*—This contribution for Italy and for Roman citizens made up for the land-tax and capitation-charge levied elsewhere. Accordingly, when the property left by a citizen comprised a provincial domain, it is probable that his heirs were not liable for this part of the heritage to the tax of the twentieth, since it had already paid the *tributum soli*.

4. *The Revenues from the Domain Lands.*—The ancient *ager publicus* had been greatly reduced by sales and the foundation of colonies; yet the domains of the fiscus, which formed, as it were, the endowment of the crown, were still considerable, and these revenues were added to those which the Emperor's private fortune, increased by that which his predecessors had left, gave to him.⁵

¹ . . . *In vectigalibus ipsa præsidia, non personas conveniri* (Rescript of Antoninus and Verus in the *Digest*, xxxix. 4. 7). So the heritor of property was liable for the frauds committed by his predecessor. *Fraudati vectigulis crimen ad heredem . . . transmittitur* (*ibid.* 8).

² *Digest*, l. 15, 3, *prooem.*

³ lxi. 8.

⁴ Lucian, *Piscat.* 45.

⁵ Pliny (*Epist.* x. 75) transmits to Trajan a will made in favor of Claudius, and speaks of legacies left to this Emperor as belonging to his ninth successor. The sources whence the

Thus Augustus had taken in Egypt, as his share of the conquest, the royal domain of the Ptolemies. Almost all the mines, quarries, and salt-works belonged to the Emperor, and his procurators farmed out the working of them for 10 per cent of the produce.¹ The treasury found a resource of some importance by the sale of what remained in the warehouses of the corn paid as tribute after the regular distributions, and in the coinage of silver and gold, which had become a profitable right. The Emperors had left it to only a small number of Greek cities.² In the legislation of the Early Empire there was never exemption for sacred things, nor for the public domain of the Roman people or of the cities,³ and the claims of the treasury had the precedence over all others; but we have seen on several occasions that these properties were not inalienable, as the French royal domain professed to be.

5. *Indirect Taxes*.—These were derived from traffic, from the transfer of certain properties, and from some acts of civil law. The principal were: the customs, which were habitually levied at the frontiers of the state and in certain groups of provinces, both on entrance and exit, $2\frac{1}{2}$ per cent *ad valorem* on merchandise,⁴ even on eunuchs and wild beasts intended for the combats in the arena, 1 per cent on all merchandise except on articles of food bought in the markets of Rome, 2 per cent on the price for slaves, 5 per cent on that of freedmen; dues charged on markets opened by the authorization of the Emperor or the Senate,⁵ and on bridges and roads;⁶ a number of other taxes of small importance which often varied: lastly, property lapsed or

treasury derived an increase of revenue were numerous. The *Digest* (xlix. 14, 1) enumerates fourteen of them, and does not include them all.

¹ Suet., *Tib.* 49; *Code Theod.* x. 19, 10, and 11.

² Twenty-five cities are enumerated which coined silver money; only one, Caesarea in Cappadocia, coining gold (Eckhel, *Doezt.* viii. 1487). The Roman Senate had the right of coining bronze money.

³ Gaius in the *Digest*, xli. 3, 9. In 491 Anastasius admitted, for all public or private property, a prescription of forty years.

⁴ . . . *Praeter istam ad illius omnes peregrinorum publicana debent* (Quintilien, *Declamatio*, cccix.). The three African provinces must have been subjected to much lower rates of customs if the tariff of Zama was that of the imperial customs. The *Digest* (xxxix. 4, 16, sect. 7) gives a list of the products of the East and Africa . . . *per centum ad valorem*. All the indirect taxes—that is, those levied on things or attaching to an act—were comprised in the *vectigalia* (Cagnat, *Des Impôts indirects chez les Romains*, p. vi.).

⁵ Wilmanns, *Epitom.* epigr. ii. 271.

⁶ . . . *Vectigal quod in itinere praestari solet* (*Digest*, xxiv. 1, 21).

fallen into escheat, testamentary legacies, the product of penalties and confiscations, and of mines, quarries, and salt-works owned by the state or by individuals.¹

6. *Coronary gold*, offered by the cities to the Emperor as a gift "of happy accession," or on the occasion of a victory, as under the Republic they offered such to the proconsuls. Often the good Emperors refused this: the bad, on the contrary, invented, like Caracalla, triumphs over the Barbarians to demand it several times.²

7. *Payments in kind*, or the corn for the *annonæ* and the *cellaria*, which we have included in the *tributum soli*, the horses and carriages for the public post, the entertainment of soldiers and functionaries travelling at the Emperor's orders, the maintenance of highways, the repairs of aqueducts,³ the cleansing of canals, the conveyance by land of supplies for the army, etc.

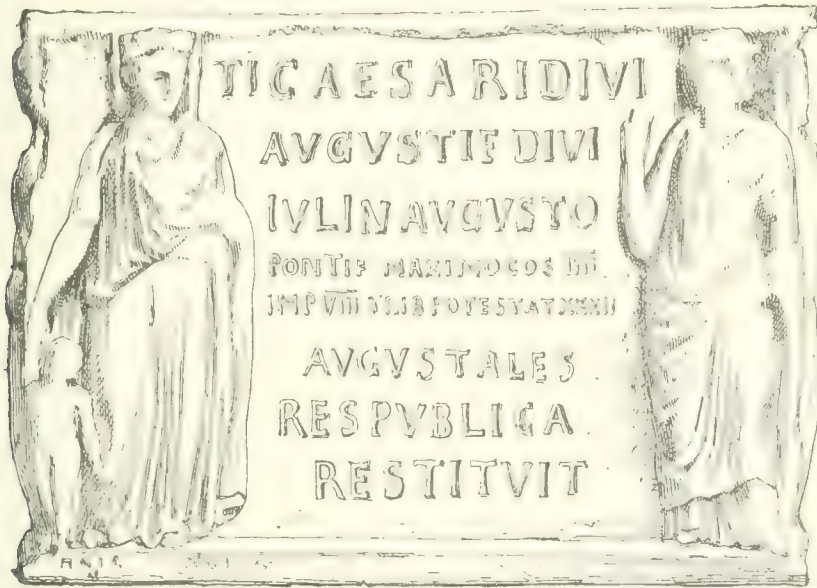
No one can say what all these imposts amounted to. But it is of little importance to know the exact total of the public

¹ . . . *Si salinas habeat pupillus* (*Digest*, xxvi. 9, 5). See in Hirschfeld, *Röm. Verwaltungsgesch.* pp. 72-91, and in Flach, *La Table de bronze d'Aljustrel* how wisely the working of the state mines was conducted in the Early Empire. The state, as proprietor of mines and quarries, worked them directly, as the quarries of Egypt and the mines of Carthagera, by convicts or slaves, who were guarded and kept in subjection by a large body of officers and soldiers. Or sometimes it relinquished the working of them to contractors, who drew together to the neighborhood of the works, for the wants of the workmen, traders and mechanics of every sort. But these mines and quarries were as a rule situated in desert and thinly populated places, and traders could only be attracted thither by granting them important advantages. Thus, as appears by the curious inscription of Aljustrel, discovered in 1876 in a mountainous region of the district of Beja, in Portugal, shoemakers, fullers, barbers, bathers, schoolmasters, etc., admitted within the jurisdiction of the mine had a monopoly of their calling, and were authorized to exact a penalty from every competing stranger, and even to confiscate the tools of his trade. This inscription belongs to the first century of the Christian era: the organization which it indicates, more profitable to the state than its own direct undertaking, must have existed in other grants. Now the mines and quarries, the property of the state, were very numerous. Monopoly, therefore, existed early in a great number of cases. We therefore need not be surprised when we see it later invading the whole world of labor, with its inseparable accompaniment of minute regulations, which will produce torpor, and then death, where free competition would have preserved life.

² Dion, lxxvii. 9.

³ A *senatus-consultum* of the year A. V. C. 741, quoted by Frontinus, proves that dwellers near aqueducts were compelled to furnish, at the order of arbitrators, all that was required for the repairs of the aqueducts, and to permit, without compensation, roads to be made over their fields for the transport of the materials. The maintenance of highways was obligatory on the dwellers near them (*Code Théod.*, xv. 3, 1, *ann.* 319), and this obligation is the origin of our forced labor and payments. The magistrates were armed with the necessary powers for carrying out these works (Ulpian in the *Digest*, xlviii. 8, sects. 8, 17, and 25). The powers of our town magistrates in the matter of public roads, etc., seem based on those of the Roman magistrate.

revenue, because this total, which has never any but a relative value, is very small among poor nations, and can be very high in a rich state. It is sufficient to affirm that in the two centuries which we are considering we find no serious complaint made;¹ and this means that the taxes were not out of proportion to the resources of the tax-payers, and that public wealth was developed under the



INSCRIPTION ON THE BASE OF A STATUE ERECTED TO TIBERIUS BY THE AUGUSTALES OF PULLIUM.

numberless forms which it can take in a great civilized state. Finally, we know that an economical Emperor could in a few years make considerable savings. At an interval of more than a century Tiberius and Antoninus left in the treasury nearly the same sum,—about a hundred and forty million dollars of our money.²

The financial system above explained, while it has bequeathed to us many usages, differs widely from our own. We find no taxes

¹ As proof to the contrary, mention has been made of the petition of the fishermen of Gyarus begging of Octavius a reduction of a third on their tribute of a hundred and fifty drachmas (Strabo, N. v. 3). But Antony had just overwhelmed Asia and Greece with imposts; therefore it is not astonishing that Gyarus should feel itself too heavily burdened. The peoples paid less than under their native rulers; thus the tribute of Cappadocia was reduced by one half at the death of its last king (Tac., *Ann.* ii. 42 and 56), and the same in Macedonia. Besides, the Romans having long kept to the terms of the ancient treaties, the debasement of the coin had of itself brought about a diminution of the tribute.

² Suet., *Cal.* 37.

self-imposed by those who are to pay them and strictly watched over as to their apportionment, levying, and employment, by distinct and mutually independent powers. The taxes under the early Empire continued to be what they had been under the Republic, — a result of victory, a right of conquest. Accordingly, the Senate, and afterwards the Emperor, had the free and absolute disposal of them in the interest of the conquering people, who, in the midst of the subject-nations, long constituted a privileged nation. In this we find the explanation of the fact that the Republic bequeathed to the Empire its system of double taxes — in money and in kind — levied on the landed property of the provincials, who were finally crushed under these intolerable burdens.

A further difference will also be remarked. The modern state, while requiring only money from its subjects, with the revenue thus obtained provides for all the public services, with but two exceptions; namely, service as jurors, and military duty. The Roman state made large exactions of money from its subjects; but besides this, following the general tradition of antiquity, it left as a personal charge on its citizens a number of obligations in respect to the common weal, from the filling of certain public offices which a man could not decline, to those contributions of labor which were soon to increase to a degree that will change the whole Empire into a vast workshop filled with indolent hereditary working men. This system will seem to have simplified everything, by obliging each man to do the work and to furnish the materials needed for the public wants, and will be thought very economical. As a matter of fact, however, it will produce extreme confusion, a frightful waste of strength and of materials, a most unequal distribution of burdens, and for many the forfeiture of individual liberty.

At the period of which we are now speaking, the financial system of the Empire had not as yet begun to have fatal results. Means were found to satisfy all public needs by taxes whose burden was not so heavy as to ruin the taxable material, the demands for labor were not oppressive, and the personal liberty of the individual was respected. In the provinces there were prosperous cities, on the frontiers formidable armies; the conquered nations rendered obedience willingly, and their worship of Rome and of the Augusti was even more sincere than was, in the early French monarchy,

the veneration for royalty. Formed in the same manner, — by the substitution of one man's authority for the rule of many, — the two governments were alike formidable to the great, gentle towards the poor; with alternations, in the case of both, of good and bad rulers. In the case of the Empire, the good had now been ruling for nearly a century; but madmen or weaklings were soon to reappear, and assume that absolute power which is so dangerous in the hands of the violent. In a few generations the free institutions of the cities will have been destroyed; the admirable war-machine of the Antonines will be so deteriorated as to become powerless; the treasury will exhaust the sources of public wealth; and when days of misfortune arise, there will not be found in this terror-stricken crowd either a soldier or a man. Then, as we see this shattered colossus covering the world with its ruins, we shall be compelled to recognize the fact that peoples, like individuals, are the architects of their own destinies; that for the former as truly as for the latter, prosperity is the product of wisdom, and misfortune of improvidence.

CHAPTER LXXXVI

MANNERS.

I.—THE ECONOMICAL REVOLUTION PRODUCED BY THE CONQUEST OF THE WORLD : PERIOD OF THE GREATEST ROMAN LUXURY.

WE have seen that, considered as a whole, this immense Roman Empire had many causes of prosperity : respect in the family, discipline in the city, industry and a relative wealth in the provinces ; moreover, in the second century, wise rulers and a skilful administration in the government, which for the time neutralized the disastrous effects of absolute power.

But did not these fair appearances conceal a fatal or hideous evil ? Was not this grandeur undermined by an insane extravagance which destroyed private fortunes, and by a depravity of manners which destroyed the human soul ?

Rome exercises over the human mind a sort of fascination which alters the proportions of men and things. Livy and Corneille have made the heroes of ancient days appear too great ; on the other hand, we now are apt to undervalue the Romans of the Empire. The fault arises from that scholastic rhetoric which took for the usual text of its declamations the advantages of poverty¹ and the dangers of riches, the virtues secured by the former and the vices resulting from the latter. — commonplaces which, for our misfortune, Rousseau took up again and the crowd has ever since repeated.

First of all, neither vice nor virtue is of necessity attached to poverty or to riches ; for although want and prosperity may sometimes either of them be bad advisers, there are men who possess wealth, but are not held captive by it, as there are others whose poor abode has never sheltered an evil thought. Then, the manners

¹ This is the note which dominates in the whole of Latin literature, from Lucretius to Apuleius in his *Apology*. See the absurd letter of Seneca (No. 90) against the mechanical arts.

of early Rome were necessarily those of poverty, and by an inevitable change the manners of the Empire were those of wealth, or at least of competence. Again, if we except some glaring instances, such as always exist, this luxury was not more extravagant than our own, nor these fortunes greater than those which in our time give titles and orders to their fortunate owners. In our present study, we are not discussing a thesis of philosophy, but a question of social economy. We seek the truth and the political consequences of facts reduced from their legendary proportions to their real importance. When we have shown that this luxury among the Romans was confined to some cities, and this wealth to some families, and even to a certain period, we shall be led to think that follies to which a hundred millions of men remained strangers were not those which brought ruin upon the Empire.

The censors declared that the rude manners of the early times were necessary to the Republic, and they would have been so had Rome continued a city of laborers, instead of becoming the capital of the world. They proscribed the growing luxury in dress and the table, the women's ornaments, the articles of gold, certain dishes, and even the fattening of poultry, which seemed to them a public danger.¹ Under Tiberius, again, the aediles sought to revive the edicts limiting the price to be spent on any one dish, and the number of dishes for each repast. At this news there was a great flutter in the city. "Apprehensions were excited," says Tacitus, "of some severe corrective from a prince who himself observed the ancient parsimony."² With his usual wisdom, Tiberius smiled gravely at the Spartan zeal of the aediles: he pointed out to them that Rome had need of the provinces in order to exist: that to destroy the established relations would be to upset the state: that, finally, it was dangerous to make laws which would so quickly be forgotten or despised.



VASE IN THE SHAPE OF A HEAD BELONGING TO THE JEWEL-BOX OF A ROMAN LADY.

¹ Pliny, *Hist. nat.* x. 71.

² *Ann.* iii. 54-55: . . . *Ne princeps antiquae parcimoniae durius adverteret.*

The commerce of the Romans had extended with their conquests. They had soon learned where to find the most precious marbles, the finest woods, the most supple textures, the most delicate viands ;



JEWEL-CASE OF A ROMAN LADY.¹

and victory having given them the wealth accumulated for centuries by kings and peoples, they suddenly found themselves rich, like the Spaniards after the conquest of Peru. Then took place



ORNAMENTAL DETAILS OF THE BOX.

what has been seen under similar circumstances ; namely, the desire to be better lodged, better clothed, and better fed. In the place of the stout tunic of coarse wool, the descendant of Cincinnatus wore a fine Milesian stuff dyed in Tyrian purple, and the daughter of the robust housewife who used to pound the corn and knead the bread for the family, covered her head, her neck, and her arms with precious pearls.² The small houses built of travertine were changed

for marble edifices, wherein glittered all the luxury of Ephesus and Antioch. There were served up, on tables of Mauretanian cedar, turbot from Ravenna, oysters from Tarentum, the edible snails of Illyria or Africa and the sea-eel of Sicily, the wine of the Cyclades and the roe-deer of Ambracia, the pheasants of Colchis, the Persian

¹ Silver box found at Rome in 1793. Blacas collection. *Lettera di Visconti intorno ad una antica suppellettile d'argento scoperta in Roma nell'anno 1793.* Roma, 1822, in 4to.

² See the toilette of Lollia Paulina in Pliny, *Hist. nat.* ix. 58.

peacock, the Egyptian flamingo, the Numidian guinea-fowl, and a thousand other articles of food, paid for dearly and brought from afar, yet not from so great a distance as that to which we send for Chinese tea and Arabian coffee, the sugar of America, the silk of Japan, and the diamonds of Brazil. Pliny complains of those who buy the mountain snow to mix with their wine.¹ It hardly becomes us to share in this virtuous indignation who, without self-reproach, bring ice from Norway and from Canada, and send it as far as India.

In a preceding chapter we have shown how rapidly the Mediterranean coasts became covered with flourishing cities, because of the facility with which the dwellers on the shores of that great Roman lake exchanged their products with one another, and everywhere found advantageous markets. In all directions vessels were furrowing that sea, no longer infested by pirates, while articles of daily consumption were on their way from the remotest countries along the great Roman roads; and from this easy communication resulted a general prosperity. That writers who themselves were freely enjoying the present should feign to regret the simplicity of earlier times, is not to be wondered at. It sounds well to praise the austere virtues, even when a man has no desire to practise them, and when the philosopher sits at his gilded table to write eulogiums upon poverty. How little sincerity there was in it all appears when we hear Apuleius, with the rough voice of Cato, taking to task his own times, and Martial celebrating the pleasures and the rustic virtues of the early days.

Let, therefore, the Epicurean Sallust and Varro and Seneca and Pliny complain because sea and land were scoured to bring some fresh gratification to the jaded voluptuary;² with the security that now prevailed everywhere, industry and commerce necessarily set in circulation a vast amount of products which it was no disgrace to enjoy. Many men used them well, some badly,—that is to say extravagantly, and wasted their wealth in idle display; like him, for instance, who in the time of Nero spent four million

¹ The ancients do not seem to have known our ices (Daremberg, *Orbaze*, i. 625). [But probably the Italian *granita*, made with snow and flavored with fruit. — ED.]

² *Vesendi causa*. Sallust, *Cat.* 13; *Epulas quas toto orbe requirunt* (Seneca, *Ad Hel.* 10); *Insatiabilis gula* (*Id.*, *Epist.* 89), etc.

sesterces on the roses for a banquet, which money went, of course, to certain Campanian peasants who had learned the art of growing these flowers.¹ Is England no longer England because the descendant of those whose lives were so needy and hard in Queen Elizabeth's time now sails across the sea in a yacht more convenient and beautiful than Cleopatra's galley, or buys European pictures and statues of great price, or tranquilly loses twenty thousand pounds in betting at the Derby?² To bet is to use money badly, since it thus changes hands without doing the community any service on the way; but this Englishman, having probably as many vices and as many virtues as his ancestors had, has not the same manners, because his surroundings are different. Wealth, taking the place of poverty, has changed the conditions of his existence, it has not necessarily degraded his nature; and as his country has gained in political liberty what it has lost in rudeness of manners, England has grown greater by the change. The Roman Empire would have had the same fortune if it had possessed similar compensations.

Antiquity twice witnessed the economical phenomenon which has occurred twice also in Europe, in the sixteenth and nineteenth centuries, when enormous quantities of the precious metals were suddenly put into circulation. Alexander set free the treasure accumulated in bullion by the monarchs of Chaldaea, Assyria, and Persia, — more than four hundred million dollars in cash. Western Asia was inundated with this, and her commerce and manufactures received a powerful impetus. A good part of this wealth came to the Romans by the conquest of Macedonia, Pergamus, Syria, and Egypt. Add to this all that the proconsuls found to seize in Sicily, Carthage, Spain, Gaul,³ and what Caesar flung to his legionaries when he had forced the doors of the *sanctius aerarium*

¹ Suet., *Nero*, 27. Roses blooming twice in the year were already known . . . *hippique rosaria Paesti* (Vergil, *Georg.* iv. 119, and Martial, *Epig.* xii. 31). They were imported from Egypt; but the trade declined when roses began to be cultivated in Italian greenhouses. Martial (*ib.* vi. 89, and xiii. 127): "The rose was formerly a spring flower, now a winter one."

² The Romans were also addicted to betting: *Quem sponsio . . . de Scorpo fecit et Incitato* (Martial, *Epigr.* xi. 1). Scorus was a groom of the circus, and the name of Caligula's horse Incitatus refers probably to the racehorses on which there was betting.

³ The pillage of Carthage brought into the Roman treasury 726,000 pounds of gold and 867,000 pounds of silver (Pliny, *Hist. nat.* xxxii. 17), or 750,000,000 francs (about \$150,000,000 of our money). Marius brought from Numidia nearly \$7,000,000; Caesar from Gaul more than ten times as much, etc.

It was the product of the labor of ten centuries which the pillage of the civilized and barbaric world heaped up in the great capital in the hands of those families which divided among themselves the command.

The period of the greatest luxury at Rome extends from Lucullus to Nero; that is to say, from the conquest of Western Asia to the civil war which followed the extinction of the house of the Cæsars. Then were exhibited all the extravagances of those nobles who in the intoxication of their prosperity knew how to govern neither the provinces nor their own wealth nor themselves. Lucullus and Caesar under the Republic, Caligula and Nero under the Empire, represent this new position of the patriciate,—the former with the lofty tastes of *grands seigneurs* fond of arts and letters, the two latter with the mad frenzy of tyrants who desired that nothing should appear impossible to them.¹

The greatest fortunes which we know for those days and for the whole Roman epoch belonged to the augur Lentulus, under Tiberius, and the freedman Pallas, under Claudius, namely, 300,000,000 sesterces; while that of Narcissus, in Nero's reign, reached 400,000,000. This makes for the two former about \$16,000,000, and for the third about \$25,000,000. The property of the famous Apicius was only a quarter of what Narcissus possessed, that of Crassus only the half.² How many private individuals are there far richer than these in England, in the United States, and even in Russia! A French banker was ten times richer than this.³ But the value of money being then much greater than

¹ We have seen (Vol. V. pp. 12, 13) Nero's Golden House; Vitellius found it to be unworthy of him (Dion, lxx. 4). Pompeius Paulinus, who had the command on the banks of the Rhine in 58, carried out a service of plate weighing twelve thousand pounds (Pliny, *Hist. nat.* xxxiii. 50). In 1868 there was found at Hildesheim, in Hanover, a treasure composed of sixty pieces of silver plate, some of which are very fine.

² Although a senatus-consultum had re-enacted the penalties of the *lex Cincia* against advocates who received money from their clients (Tac., *Ann.* xiii. 42), Eprius and Crispus had, from the time of Caligula to Vespasian, gained by their eloquence 300,000,000 sesterces (*Id.*, *Orat.* 8); but there was included in their fortunes much of the wealth of proscribed persons.

³ We have seen (Vol. V. p. 266, note 4) that the intrinsic value of the denarius and sestertius varied considerably under the Empire, but that their nominal value, instead of being represented by the quantity of silver which these pieces contained, was represented by the quantity of gold corresponding; a denarius and a sestertius meaning not so much a silver denarius and a silver sestertius as they meant respectively $\frac{1}{2}$ and $\frac{1}{4}$ of the aureus. Now the metallic value of the aureus varied but little in the two first centuries of the Christian era, averaging

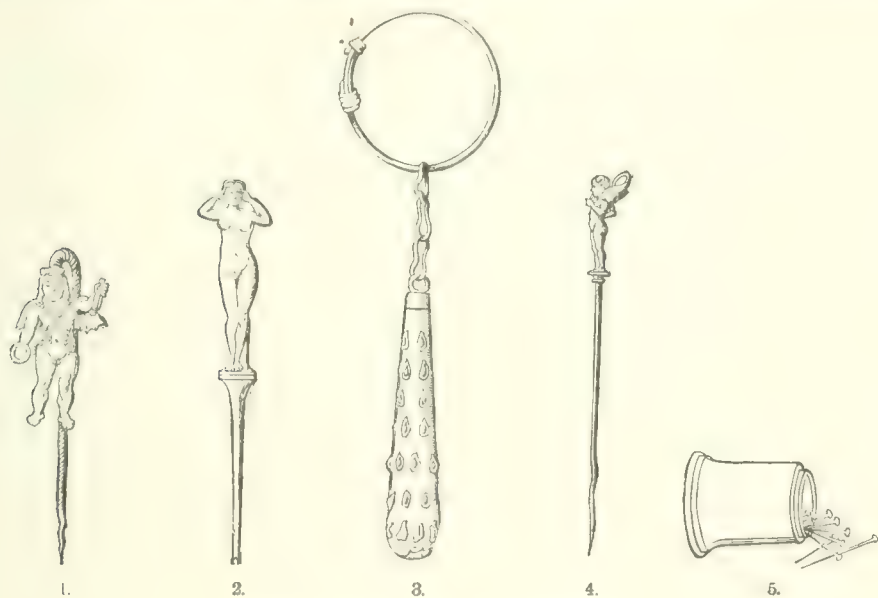
now, while the mass of the population was much poorer, the distance between the condition of the crowd and of the few seemed much more considerable. Hence the wonder and the scandal. Yet the distance rapidly diminished. Born of pillage, this fortune of accident could not be renewed at the expense of subjects under a government which caused the property of the latter to be respected, nor at the expense of foreigners, because Rome in the time of the Republic having subjected all the rich nations, under the Empire had none but poor ones left to fight with. Instead of taking from these latter their gold, Rome gave them her own by commerce¹ and by the pensions paid to their chiefs.

The channels whence wealth was obtained being closed, and those by which it flowed out being widely opened, riches by degrees escaped from the hands in which victory had placed them. Some men were ruined by luxury and debauchery, others by confiscations. A part of the Senate had already been pensioned by Augustus, and we have seen Tiberius obliged, in spite of his parsimony, to come to the aid of several noble personages. The grandson of Hortensius,

about \$1.90; and this makes the 300,000,000 sesterces, considering solely the metal employed, correspond to \$14,700,000. The fortune of the Rothschild family certainly exceeds \$100,000,000, and it is asserted that the Duke of Westminster has two or three times as much. It is known that the Duke of Buccleuch derives from his lands in Scotland an annual revenue of \$875,000 (*Economiste franç.* of May 23, 1874). As to the exchangeable value, — that is to say, the purchasing power of money, — it is difficult to speak with certainty. Luxuries were very dear and articles of necessity were low in price, — which means that the purchasing power of money was weak in respect of the former, which were rare, and great as regards the latter, which abounded. In France a man can be fed and clothed and, outside of the great cities, be lodged at a cheap rate, while to live in luxury is very expensive; it must have been the same in the Empire. According to Martial (xii. 76), the amphora of wine cost 20 ases, and the modius of corn four; but these prices are absurd, which the poet employs to sharpen the epigram against the drunken laborer and the gourmand who eats and drinks his harvest instead of selling it. Yet we are authorized in concluding from a number of known facts that bread and wine were cheap. Varro says (*De R. R.* iii. 2) that the best meadows paid an annual rent, in Caesar's time, of 120 sesterces an acre, or about \$5.88; this is still the price at which an acre of meadow land is let in France. Papinianus fixes the legal price of a slave at 20 aurei (*Digest.* iv. 31, and xl. 1. 17); it is now \$140 in the bazaars of Constantinople and Cairo. The price of saddle-horses in Numidia was in the fourth century 400 denarii. For the price of houses in the cities, even in the neighborhood of Rome, and respecting what is understood as a small competency, see below, Sects. II. and III. of this chapter.

¹ On one occasion, says Pliny, Nero sent a Roman knight with a large sum of money to buy up all the amber that he could find on the coasts of the North Sea and the Baltic. The Germans also did a large trade with Rome in flaxen hair. Roman coins circulated among the Germans, and even in Scandinavia. There have been discovered in Scania 550 silver denarii, the series of which begins at Nero and ends at Septimius Severus (*Revue numism. belge*, series v. vol. iii. p. 335).

after obtaining 1,000,000 sesterces from the first Emperor, was still a beggar under the second, who gave 200,000 sesterces to each of his four children. The hand was outstretched without shame. Verrucosus begs to have his debts paid; others present to the Senate a list of their creditors to gain the sympathy of the assembly for their destitute condition. Some refuse magistracies because they cannot meet the requisite expenses; others are glad that Claudius expels them from the Senate because of their poverty. Augustus



ARTICLES OF A WOMAN'S TOILETTE.¹

and Tiberius had previously carried out a similar measure. There is scarcely an Emperor who has not had to make up for many senators the 1,200,000 sesterces required to be a member of the Senate. When Vespasian ascended the throne, the first two orders had almost ceased to exist, and he was obliged to form a new nobility out of provincial families. Yet not all of these families could find means to live creditably at Rome, if we may believe Juvenal, who shows us praetors, tribunes, descendants of illustrious houses, begging for the *sportula* at the gate of some rich freedman, and calculating at

¹ 1. Gold-headed pin found at Pompeii (Museum of Naples). 2. Ivory pin in the Museum of Naples. 3. Case and gold bracelet (half-size) found at Panticapaea (Museum of St. Petersburg). 4. Gold pin surmounted by a Cupid playing a flute (Museum of the Louvre). 5. Pin-box found at Pompeii (Museum of Naples).

the end of the year how much their scanty income has been augmented by this daily allowance.¹

The Emperors themselves — and I refer to the best — were not always free from embarrassment. They were rich when the treasury was administered with the strictest economy, or when confiscations filled it. But those who confiscated were those also who squandered. We have seen that Caligula and Nero were at the end of their resources, and they deserved to be so. But Galba was economical from necessity as much as by nature; and yet on the accession of Vespasian the government was quite at a standstill. Nerva passed through a like crisis, and Marcus Aurelius was obliged to sell the jewels and furniture of the palace, and even the wardrobe of the Empresses.

A change then took place which has not been sufficiently noticed. From the time of Lucullus to that of Nero the wealth obtained from conquest has remained in the hands of a few, and all sorts of follies have therefore been possible: now it becomes divided and scattered, and by a natural tendency goes, following the requirements of luxury, to those who produce or import what luxury demands.

“When the kitchen is fat,” says Franklin, “the will is lean.” Whither did the millions of Apicius and the consular fortunes of the first period go? To those who had helped to devour them by furnishing the expensive objects. Octavius gives five thousand sesterces for a gray mullet; he commits an act of folly, at which Tiberius sneers: but it is a good thing for the fisherman, and for a whole year long gives comfort to his cabin. Let the poor man get the benefit of a few more follies of the kind, and he will at last have found a fortune in his nets: what at least formed then, as it does now, the competency of the small tradesman. — twenty thousand sesterces, or about eight hundred dollars of income.²

Not only is wealth displaced and divided among the mass of the population in proportion to the labor or skill of each, but it diminishes in quantity. The conversion of much gold and silver into objects of art, jewelry, and ornaments, keeps down to that extent the total of the quantity in circulation. Simply for the

¹ . . . *Ipsos Trojugenas . . . da praetori, da deinde tribuno* (i. 100, 101).

² One of Juvenal's characters (ix. 139) asks for this only, and a few small silver vases, with two strong slaves to shelter his old age from want and care (*quo sit mihi tuto senectus*).

gilding of the Capitol, Domitian used twelve thousand talents. Commerce with the East caused the disappearance of another part: fifty million sesterces went yearly to India, and probably as much to Arabia, whence they never came back;¹ lastly, the ocean kept what shipwrecks had given it, and the Barbarians restored no part of the pensions or presents made to their chiefs.²

Could the mines repair all these losses? Those of Spain, which were the richest,³ yielded annually twenty thousand pounds weight of gold, — say four million three hundred thousand dollars. The silver mines, more numerous, but much more difficult to work, probably did not yield a much larger quantity, since all the silver ore at present produced by the whole of Europe, aided by the best processes, does not amount to a value of two million five hundred thousand dollars. The mines of Laurium were nearly abandoned, and those of Transylvania were just beginning to be productive. Therefore Spain continued to be the great workshop for the production of silver.⁴ But the Carthaginians and the Roman Republic must have exhausted many of the veins; for in the time of Polybius forty thousand men were working in the mines of Carthagera alone, — which, however, yielded only twenty-five thousand denarii a day, or two and a half sesterces for each miner. The mines did not, therefore, return the Romans much more than the equivalent for what they lost yearly. Moreover, the specie was not abundant, as the rates of ordinary interest show; namely, 6 per cent in Italy, which had the most capital, 12 per cent and higher in the provinces. In the reign of Tiberius there was a monetary panic. Its disastrous

¹ Pliny (*Hist. nat.* vi. 26 and 32) says of the Arabs: "They are the richest people in the world, for the treasures of the Romans and Parthians flow to them. They sell the products of their seas (pearls from the Persian Gulf) and of their forests (scented woods, incense), and buy nothing." He also speaks of their gold mines, — doubtless the gold which they drew from Africa.

² We must also take account of the wear of coin, which obliged Trajan to withdraw all the consular coins from circulation, for the purpose of re-coining. (See Vol. IV. p. 231, note 4.) M. de Laveleye estimates this loss at a quarter or a half per cent per annum, and at 280,000,000 francs [\$13,200,000] yearly the manufacture of gold and silver bars into objects of luxury. These totals are exaggerated; probably they might be reduced by three-quarters for ancient times.

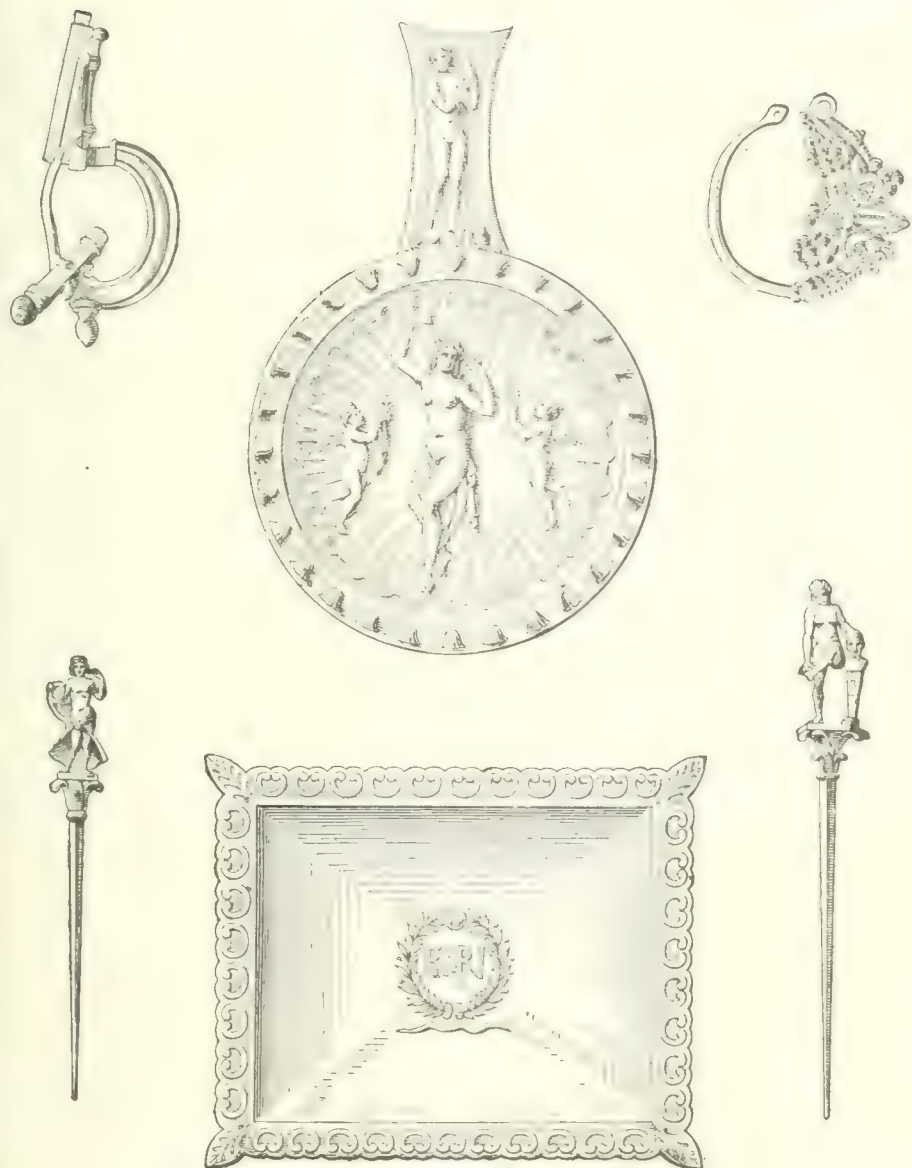
³ Pliny, *Hist. nat.* xxxiii. 4.

⁴ Gold was in proportion more common in the Empire than silver, for the ratio between the two metals was then as 1 to 12, and it has long been with us as 1 to 15. The Roman pound equals .32743 of a kilogramme; the kilogramme of gold is worth at present about \$650. A Roman pound of gold was worth then, as metal, about \$214.

results were only obviated by the Emperor's constituting from his own resources a fund of a hundred million sesterces, from which were made loans for three years without interest, on the condition of security being given for double the amount on landed property. This clause proves that the crisis especially affected the wealthy class. It had really been brought about by the rigorous application of a law of Caesar forbidding men to keep more than sixty thousand sesterces in specie. A similar law—which was never abolished, for in the next century Trajan and Marcus Aurelius applied it to the senators—obliged those who were unwilling to remain at the discretion of an informer to turn the larger part of their fortunes into real estate. From this it resulted that landed property gained daily in importance, in contrast with that which takes place in modern society, where personal and industrial wealth tends to take the precedence of territorial wealth. Now the latter does not fail, in societies where it dominates, to make an aristocracy of the proprietors of the soil; and to this the Empire finally came.

To conclude: with its small capital, its insufficient industrial implements,¹ and processes of labor which entailed an enormous expenditure of time, men, and money, the Roman world was poor, compared with our modern societies; and this relative poverty gave frightful proportions to isolated excesses. Besides, as it was surrounded by a Barbaric world which furnished it almost nothing, it was obliged to live from itself. Wealth, constantly destroyed by use, was not constantly renewed and increased by production. For the great Roman families the peace established by Augustus had been less profitable than war. In two or three generations they lost under the Empire what they had gained in the time of the Republic; and like two opposing forces which had spent themselves one against the other, the ancient patrician order disappeared at the same time with the family of the Caesars.

¹ The ancients had only the simplest machinery for manufacturing purposes; all was done by strength of arm. And how great a waste of force was occasioned by the faulty construction of the most ordinary machines employed by the Romans! According to a law of Constantine, the maximum burden of a four-wheeled cart was 326 kilogrammes for eight horses,—say 43 kilogrammes per horse; while two of our omnibus-horses draw at a trot loads of from 500 to 800 kilogrammes. The dead weight resulting from the bad construction of the vehicle must have been enormous, to which we add the difficulty arising from the very steep grade of the roads. Moreover, to judge from the horseshoes found in the excavations, the draught-horses must have been small and weak (*Liéger, Les Travaux publics des Romains*, p. 173).



ARTICLES FROM THE JEWEL-CASE OF A ROMAN LADY, FOUND IN 1793.

Without perceiving that the gold obtained by conquest had returned to the conquered, whose commerce and agriculture it revived, Tacitus, at least, well observed the rapid impoverishment of the Roman nobility, and the change in habits of life which resulted therefrom. He even gives its date, — namely, the accession of Vespasian; that is, of the Emperor who was born in a moderate condition. “But when tyrants,” he says, “shed the blood of their subjects, and the greatness of reputation formed a motive for destruction, those who escaped grew wiser. Besides, men of no family, frequently chosen senators from the municipal towns, brought with them the frugality they observed at home: and though, by good fortune or industry, many of them grew wealthy as they grew old, yet their former habits continued. But Vespasian was the great promoter of parsimonious living, himself a pattern of primitive strictness in his person and table; hence the compliance of the public with the manners of the Emperor, and the gratification of imitating him, operated more powerfully than the terrors of the law.”¹

The successors of Vespasian followed that Emperor's example Nerva, Trajan even, — notwithstanding some military tastes that he still retained beneath his purple, — Hadrian, and the two Antonines, strictly administered the public finances; and their only extravagance was in the construction of great edifices, which are the glory of a reign when it is art which builds them or public utility which calls for them. All the provincials holding office, who now formed the high society of Rome, readily modelled their mode of life after that of the new court.

We must, therefore, with Tacitus, distinguish two periods in speaking of the manners of the Early Empire, — that which ends at the death of Vitellius, and that which extends from Vespasian to Commodus.

The first of these periods is one of enormous follies. Then were seen those men, of whom there are always some in the world, who sought to dazzle by their conspicuous extravagance, and, having neither talents nor courage, to gain celebrity² by a fashionable

¹ *Ann.* iii. 55.

² . . . *Ut inter istos nomen invenias opus est non tantum luxuriosam rem, sed notabilem facere*
 . . . *In tam occupata civitate fabulas vulgaris nequitia non invenit* (Seneca, *Epist.* 122).

mistress, by high-bred horses, by banquets worthy of Lucullus. Under the good Emperors want of occupation, and under the bad ones the consciousness of danger, drove to these excesses the sons of the great Roman families. Men took refuge from their idleness, or their terror, in the profitless tumult of an existence which seemed busy because it was one of excitement. The reign of Nero marks the lowest point to which pagan morals fell, and the highest point reached by the extravagance of the great.

But as, in respect to its political aspects, historians have been too much disposed to merge the whole Empire in Rome, and take note only of what went on in the palace or the curia, so in respect to morals they have made Rome stand for the entire Empire, and not even the whole of Rome, but the practices of its profligates and fools. Doubtless elsewhere in the Empire than along the Via Sacra or under the portico of Quirinus men could be found who wasted their fortunes, men daily in quest of new pleasures, women absorbed in the minute details of a costly toilette; but still it was a very small minority, for it never ceased to excite public remark: and these persons were dwellers in the great cities, or at the watering-places, or around that Bay of Naples which has witnessed as much folly as have certain points of the Norman sea-coast.

In respect to the masses of the population, they had gathered up the crumbs from these too-well served tables, and by ministering to this extravagance had gained a modest competence. — not enough, however, to tempt them into cherishing desires beyond their means.

Some facts and figures concerning the table, clothing, and the dwelling¹ will serve as proofs of these general observations.

II. — THE TABLE, DRESS, AND THE DWELLING.

“THE luxury of the table,” says Tacitus, “was practised with the most costly profusion, maintained for a hundred years, from the battle of Actium to the revolution by which Galba obtained the

¹ On these questions see Friedländer, *Darstellung aus der Sittengeschichte Roms*, etc. (who for the subjects treated by him supersedes the similar works previously published), and the learned book by M. Baudrillart, *Histoire du luxe privé et public, depuis l'antiquité jusqu'à nos jours*.

Empire." It had begun sooner; for celebrities of this class, as Lucullus, Hortensius, Philippus, and the culinary oddities are much earlier than Augustus. In Sylla's sumptuary law Macrobius found a multitude of dishes enumerated as being then very usual which in his time were no longer known. "Ye gods, what a list! To see so many sorts of fish and stews now unknown I cannot help believing that the dissoluteness of manners was extreme in that age." Roman gormandizing, like Roman extravagance, had diminished. Varro before the battle of Actium, and Pliny in Nero's time, show that the last republicans and the first senators of the Empire were rivals in gastronomic sensuality. Then were discovered new articles of food and new methods of preparing those already known. Then was practised what we claim to have invented, — pisciculture,¹ acclimatization, the transplantation of old trees, even of old vines.² They had greenhouses for flowers, fruits, the grape, and "the sterile winter is forced to give the products of autumn."³ On the sea-coast of Latium were naturalized fish from the Asiatic coast and many kinds of edible shell-fish; and that the table of the *bon vivant* might never be without this course even on days when the sea was rough, there were fish-ponds where the best kinds were carefully preserved. These reservoirs were of such dimensions that the heirs of Lucullus derived forty million sesterces from those established by him, — a total which would seem impossible if a contemporary, Varro, had not said that one Hirrius from his obtained annually twelve million sesterces, and that he gave Caesar on one occasion six thousand lampreys.

Roman gluttony, critical and delicate, refused vulgar food such as mutton and beef.⁴ it would have lighter dishes, and, in spite of the censor's edicts, the keeping of aviaries and parks became as lucrative as that of fishponds: there were raised in them every sort of bird and animal, many which we no longer eat, such as the dormouse, peacock, crane, and flamingo. A matron belonging to a consular family sold yearly five thousand fattened thrushes at

¹ Pliny relates that a prefect of the fleet, a freedman of Claudius named Optatus, had propagated the *scarus* on the coasts of Latium. In the Lucrine lake, at Bordeaux, etc., there were beds of oysters (Marquardt, vol. v. pp. 2, 53, No. 477).

² Seneca, *Epist.* 86.

³ Martial, *Epigr.* viii. 68.

⁴ Rome, like Paris, consumed a good deal of roast veal (Cic., *Ad. Fam.* ix. 20); instead of mutton, it still consumes an enormous quantity of lamb.

three denarii apiece, and even before the first triumvirate the raising of peacocks brought Aufidius Lurco sixty thousand sesterces yearly.¹ It was known how to fatten geese so as to give them an enormous liver: a consul and a knight dispute the honor of this invention.²

The patricians found both pleasure and profit in these matters. As the French nobility, after having lost political power, gave themselves up to agricultural improvements, many governors imported plants and fruits from their Asiatic or African provinces, and had them cultivated on their estates by slaves or freedmen brought from those regions. From Lucullus, who forty years before the battle of Actium had included in his share of spoil from Mithridates the cherry-tree of Pontus, to the unknown traveller who in Pliny's time introduced into the country adjacent to Naples the melon, originally from the shores of the Oxus, there was a constant importation into Italy of new plants which were afterwards improved. The Emperor Vitellius's father, for example, who governed Syria under Tiberius, made the attempt to naturalize in his villa at Alba the greater part of the fruits of that province. Thus Italy became the acclimatizing garden of the ancient world.³ Thence the most beautiful flowers, the most delicious fruits, were introduced into the West, and those who most eloquently anathematize the luxury of Rome to-day enjoy, without compunction, the results of Rome's misdeeds.⁴

In speaking of the luxury at the Roman tables we must not forget two men who mark its culminating point. — Apicius, with a certain art; Vitellius, with gluttony. There were several Apicii, of whom the most celebrated lived in the reigns of Augustus and Tiberius. He invented some dishes, is believed to have composed a treatise on cookery, and was reputed the greatest epicure living. For a final honor he was taken as a model by the insane Elagabalus.⁵ He possessed a hundred million sesterces, and killed himself when

¹ Varro, *De re rust.* iii. 6. and Pliny, *Hist. nat.* x. 23.

² Pliny, *ib.* x. 21. A peacock cost fifty denarii, — dearer than a fat sheep (Varro, *De re rust.* iii. 6). It was Hortensius who had the former served up at a banquet given to the augurs.

³ . . . *Italia quae pene totius orbis fruges, adhibito studio colonorum, ferre didicerit* (Columella, iii. 8).

⁴ [On all this interesting subject the special book is Victor Hehn's *Hausthiere und Kultur pflanzen*, now in its fifth edition. — Ed.]

⁵ *Histor. August., Elag.* 18.

he had but ten million left, thinking, like Cardinal de Rohan, that a gentleman could not live on an income less than a hundred thousand dollars. Many moderns have had as capricious fancies without attaining his renown: in our own times many men give entertainments as sumptuous without surprising any one, while those of Apicius astonished some and scandalized others.

As for Vitellius, he was the worthy Emperor of those gormandizing Romans who discovered a means of always eating, which we will not explain.¹ Yet it seems to have been less an effort of imagination than has usually been supposed when he invented his famous Minerva's shield, which held all the rarest eatables, if we judge by the banquets of Trimalchio, or by the feast which was given a century and a half earlier by the pontiffs and vestals of the Republic. The *menu* of this dinner was religiously preserved by the pontifex Metellus;² for sacerdotal feasts were famous at Rome, as they have been everywhere, for the dainty cheer which was provided.³

The list is a long one, and the Vatel of those days did his work well: but without doubt Carême, to whom the Czar Alexander gave the pay of a marshal of France, — thirty thousand francs a year, — and Chevet, who has prepared so many official banquets, were much greater *chefs*. And yet we are accustomed to rank Roman gluttony far above our own, wherein we certainly do the latter wrong.

In speaking of the Roman table we must not fail to mention a character who is thoroughly Roman, for in no other society is he found playing so distinct a part; I mean the parasite.

In the delicious climate of the Mediterranean countries, industry is fatiguing; hence men work as little as possible, while they possess a great faculty for enjoyment. But pleasures are expensive, — how obtain them? By manual labor or by traffic? Certainly that is a way, but it seems a poor one; the clever adventurer will rather seek his fortune by his wits than by the work of his hands, especially if he have no scruple in entering upon those evil ways where the informer's vocation, where servility, usury, legacy-hunting, find

¹ *Vomunt ut edant, edunt ut vomant* (Seneca, *Ad Helviam*, 10).

² *In indice Metelli pontificis maximi* (Macrobius, *Saturn.* III. xiii. 10).

³ *Capitolinæ pontificionum dapas* (Martial, *Epigr.* xii. 48). Cf. Hor., *Carm.* II. iv.; Val Max., ii. 1, and Apuleius, *Metam. passim*: *Epulæ vel cenæ Saliaræ*.

rich spoil. The one great industry of this class is to live at the expense of others. There is always profit to be derived from the folly or the vanity of the rich, and if a man cannot snatch away an entire fortune, like the informer and the usurer, he can at least devour it piecemeal as a parasite.

He begins as a client: this is the first round of the ladder. "Come, come, Chaerestratus, it is daylight! Get up quickly!" Before sunrise he is on foot. He goes out in haste, his shabby toga on his shoulders, and completes his toilet as he hurries along. Is he on his way to his work? By no means. The true Roman citizen scorns all servile occupations. He is hastening to the house of Trimalchio, his patron. This man is an assiduous client. He must make his zeal noticeable, for that is all he has to live by. From morning till night he is at his patron's heels. What! Chaerestratus in the train of a freedman? Be not surprised: at his side and in the class with himself there are sons of patrician families. At noon he gets his pay. He brings his basket home full of fragments from the master's table. Ennius has said, and Juvenal repeats the words: *Oportet habere*.—a man must have. How he acquires, is of less consequence. An Emperor has said that money is always good, whencesoever it comes.

If Chaerestratus has a fund of humor, or if he has a hard skull, he will rise above the crowd. Instead of lingering around the door, reduced to sniffing the odor of the viands, as Jupiter lives on the smoke of the sacrifices, he will become the constant guest of the master; he is now the parasite. The trade is a good one, although it has its drawbacks; but what has not? Certain rich men enjoy having always at hand a butt, a laughing-stock. They have their slaves, it is true; but what pleasure is it to throw dirt at the head of a slave? That is an old joke, and has ceased to amuse. But a citizen, a Roman of ancient family, whom a freedman may make game of,—that is sport indeed! In an enumeration of the various categories of parasites, this one is called the *plagipatida*, or the *duricapito*. To be thrashed is his vocation. He recognizes his duty, and he bears all without a murmur. His shoulders or his head pay for his meal; and yet the pittance is often a meagre one.

"But what sort of a repast is it, after all!" says Juvenal to the parasite. "Wine such as wool just shorn would not imbibe,

and a mouldy fragment of crust that you cannot bite. . . . See with how vast a body the lobster served to your patron fills the dish, and with what fine asparagus it is garnished all around; with what a tail he seems to look down in scorn on the assembled guests when he comes in raised on high by the hands of the tall slave. But to you is served a common crab, scantily hedged in with half an egg sliced,—a meal fit only for the dead, and in a dish too small to hold it. . . . Wranglings prelude a fray, and soon you begin to hurl cups as well, in retaliation: . . . some day you will present your head with shaven crown to be beaten, nor hesitate to submit to the harsh lash.”

Thus treated,—plenty of blows and little food,—the race of the *duricapito* was dying out. The flatterer took his place. “I,” said one of them, “attach myself to those men who, in spite of their poor capacity, wish to be the first in everything. I smile when they make a joke. They say ‘Yes,’ so do I; they say ‘No,’ I say ‘No’ too. I must indeed be most unlucky for no one to say to me: ‘Come and have supper with me.’”¹

The highest class was the wit. But it is a hard business to amuse a jaded pleasure-seeker and to be always ready with a *bon mot*! The *derisor*—that is his name—is always on the watch for news. He knows the subject of deliberation in the council of King Pacorus, the number of ships which have left Africa, what has happened and what will never happen, even what Juno has whispered in Jupiter’s ear.

Unfortunately there is a dead season for the parasites when the rich flee to the country. “Like the snails,” says one of them, “which during the dry season return into their shells and live on their own juice, so the parasites live on their own means when those whom they preyed upon are in the country.” Happy the parasite who has been able to put by something for this sad time! But he will be despised by his colleagues. “He is a parasite of naught who has any money in his house.”² The point of honor in their profession is that a man must save nothing. Thus vices make two victims,—the one who has them, and the one who lives by them.

¹ Juvenal, *Sat.* v.; Martial, *Epigr.* xii. 83.

² Plautus, *Capt.* i. 1, 12-16; *Pers.* I. iii. 46

Yet the Empire was not entirely made up of Apicii or Trimalchios, and for two reasons. — first, the general mediocrity of fortunes permitted excesses only to the few: second, gluttons had a strong force against them in the climate of the country. It was not necessary that in the schools the disciples of Epicurus and Zeno alike should vie with one another in recommending sobriety: Nature, more imperious mistress, made it a law. Excess in alcoholic drinks, dangerous enough in the North, becomes in the South a vice which kills. There too strong a diet quickly brings on mortal diseases: an error as to food has made more victims in the French army in Algeria than the bullets of the Kabyles. The Syrian or African Arab lives on a few dates, and makes long journeys on a little flour mixed in the hollow of his hand with the water of a brook. The Greeks are as temperate now as ever, and the prohibition of wine to the believers in Islam is a salutary measure which Galen recommended in his time to the Romans. "Those who wish to be in good health," he says, "ought to water their wine."¹ In Italy, an intermediate zone between the warm and the damp countries, wine is made and drunk. At the Saturnalia, which was the feast of the lower classes, many drunkards were always to be seen. Some individuals had even aspired to the reputation of being great drinkers: such were Mark Antony the triumvir, Cicero's son, and Novellius Torquatus, who obtained the nickname of Tricongius, from emptying ten litres at a sitting.²

In general, sobriety prevailed. The elder Pliny ate very little. Seneca passed a whole year without a mouthful of meat; "he at last gave up wine and perfumes, and he partook of diet which he allowed himself with a moderation much resembling abstinence."

Seneca was fond of quoting from Epicurus: "With bread and water no man is poor, and every one can aspire to the sovereign happiness which Jupiter enjoys." We have seen the bill of fare of Lentulus; now let us examine one of the younger Pliny. A friend

¹ *ἀπὸν ὕδατος*. In the East I have myself experienced very distinctly this effect of the climate. A glass of cold water or of coffee appears preferable there to all other drinks. Science, by calculating how much caloric a man loses daily by respiration, clearly explains the necessary sobriety of those living in the South. In cold countries there is a need of increasing the absorption of calorigenous matters, and in hot climates of restricting the amount.

² Pliny, *Hist. nat.* xiv. 28. Three congi equal 2 galls. $1\frac{1}{5}$ pt. *Cibum levem et facilem* (Pliny, *Epist.* iii. 5, 10). Seneca, *Epist.* 108; *Id.*, *Epist.* 25.

whom he had invited to dinner having failed to accept the invitation, he enumerates, to cause regret to the delinquent, all the dainties which he had prepared, — "A lettuce for each, three snails, two eggs, sweet cake with mead and snow, olives, beet-root, gourds, onions, and many other things as delicate."¹ It was a dinner for a convent. Martial himself asked much less to be content, and the dinner he offers to Turanius is still more modest; although the *menu* is drawn up with the complacency of a poet who sought at the same time to write pleasing verses and to give a model of good taste in gastronomy. The demagogue Ganymede, who attempted to cause a riot at Crotona, claimed no more than thirty-five ases, and wine at discretion. The popular appetite did not then exceed a penny loaf daily; moreover, men submitted to earn it:² it is the portion of a *lazzarone*. But if these Southern people were satisfied with little food, they were fond of games, spectacles, fluent speech, and understood marvellously well how to make the most of spend-thrifts or seekers after the municipal popularity. Hence so many festivals, public feasts, assemblies, brotherhoods, where, thanks to the Southern animation, the poverty of the spectacle was forgotten;³ and the meagre entertainment provided at the expense of a vain and yet miserly donor.⁴

Dress. — Taken as a whole, the Roman world spent still less on dress than on food. It had, as we have, its *demi-monde*, who lived with great luxury, ruined young men of good family,⁵ and sometimes old senators, and displayed the insolent extravagance which is peculiar to women of this class. Unhappily respectable matrons, or those who knew how to find means discreetly, wished to appear as fine as the courtesans, and expended even more on their toilet. Indeed the *mundus muliebris* was already an arsenal furnished with all the means of attack and preservation. I find belonging to it ointments which were used for painting the face, false teeth, false eyebrows, and even false hair, which was procured from Germany

¹ Pliny, *Epist.* i. 15.

² *Epigr.* i. 56; v. 78 and x. 48; xi. 52, where the feast is a little more complete. Juvenal sends also to Persicus (*Sat.* xi.) the *carte* of the dinner which he offers him. I do not give it, as it would be suspected of an affected frugality.

³ See in Petronius, *Satyr.* 45, the "presents of the gladiators of the third quality at two sesterces apiece."

⁴ Martial, *Epigr.* x. 74.

⁵ See Vol. IV. p. 527, the decree of Claudius.

and India.¹ The imperial courtesan Messalina, who was a brunette, covered her head with blond hair. "You have your hair curled. Galla, at a hair-dresser's in Suburra Street, and your eyebrows are brought to you every morning. At night you remove your teeth as you do your dress. Your charms are inclosed in a hundred different pots, and your face does not go to bed with you."²



HEADRESS OF JULIA, DAUGHTER OF
TITUS.³

In early times clothing was made from the wool furnished by the flock of the farm; by degrees was introduced the use of Egyptian linen, of Indian cottons, of China silk; there were muslins so transparent that they were called "woven air," tunics figured with gold or embroidered with pearls, precious stones, and every kind of perfume. At a plain betrothal festivity Pliny saw Lollia Paulina covered with pearls and emeralds from head to foot, and quite ready to prove to him, from the receipts in her hands, that she had upon her person to the value of forty million sesterces.

At an entertainment given by Claudius on Lake Fucinus, Agrippina appeared in a chlamys woven of gold thread, and Nero, at the funeral of Poppaea, burned more incense than Arabia Felix could furnish in a year. "The extravagance of the women," said Pliny bitterly, "costs us yearly a hundred million sesterces, which Arabia, India, and Serica take from us."⁴ India alone took half this amount. What would he say now that this same country takes from Europe, one year with another, in coin or bars, forty or fifty times more than in his days? Asiatic products were at that time much dearer than now. Caesar gave a ring to Servilia which had

¹ This trade in hair was so considerable that the *Digest* (xxxix. 4, 16, sect. 7) enumerates the *capilli indici* among the articles subject to custom-dues (Martial, *Epigr.* v. 68).

² Juvenal, *Sat.* vi. 120; Martial, *Epigr.* ix. 38.

³ Capitoline Museum.

⁴ *Hist. nat.* vi. 26; ix. 58; xii. 41.

cost him six million sesterces: Pliny values a pound of cinnamon at fifteen hundred denarii: and in Aurelian's reign silk brought its weight in gold.¹ Prices like these are unknown in our time. But if the Eastern trade, which now exceeds seven milliards [£1,330,000,000],² was represented by only a hundred million sesterces, and the commodities imported had the value which has been assigned to them, we must admit that a very small amount of them entered the Empire, and that a very few persons could have enjoyed them. We are thus brought to the same conclusion, and we can best express it by borrowing from Galen his own words: "In the large cities rich women have silk, and for them are prepared at Rome the perfumed essences."

Notwithstanding some extravagances of feminine luxury,³ a comparison, if it were made, would not give the advantage of simplicity to the moderns. We no longer live in the days when the gentlemen of Francis I. "wore their mills and their meadows on their shoulders," when men's costume, made of gold, silver, silk, and lace, cost, as did that of Bassompierre, more than forty thousand livres; but our social life is still subjected to the most capricious of sovereigns,—namely, fashion,—which every year changes the cut and color of materials. The ancients were not subjected to this servitude; and as for men, their dress covered the figure without fitting it, one or two pieces of stuff thrown around the loins and over the shoulders sufficing to clothe them. Any man could cut a toga; and on holidays everybody, from the Emperor to the lowest of the citizens, wore this garment. Between that of the rich and that of the poor the difference was only in the whiteness and fineness of the material: the man of fashion added the art of draping himself well in it and making the folds fall gracefully. He moreover desired to have a well-stocked wardrobe, because the climate compelled him to change his toga often, and his chief extravagance

¹ *Libra enim auri tunc libra serici fuit* (Vopiscus, *Aurel.* 44). Silk was sold at Rome (Martial, *Epigr.* xi. 27) and murine vases, which were imported from Parthia and Caramania. One of these, bought by Nero, brought a price of three hundred talents [about \$285,000] (Pliny, *Hist. nat.* xxxvii. 7 and 8). Pliny mentions also a crystal cup sold at a hundred and fifty thousand sesterces, a Babylonian carpet bought by Nero for four million sesterces, some tables in Mauretanian citron wood costing as much as one million four hundred thousand sesterces, etc.

² Neumann, *Uebersichten über Welthandel*.

³ Tacitus (*Ann.* iii. 53) and Pliny (*Hist. nat.* xii. 41) speak, as regards dress, of the luxury of women only.

was to have cloaks in different shades of purple. Caesar had forbidden these except for certain persons and on certain days; Augustus, Tiberius, even Nero, renewed these prohibitions without more success, for in Domitian's reign Martial speaks of purple robes publicly bought for ten thousand sesterces.¹

The Dwelling Houses.—The favorite extravagance of the Romans of the Empire was in the matter of buildings; they covered the world with them. In the history of each reign we have seen the numberless works undertaken by the Emperors, beginning with the first. Augustus had built for the gods and the people; Caligula and Nero built for themselves immense palaces which disappeared with them. Of Nero's Golden House there remain only the descriptions by Suetonius and Pliny; but Livia's humble abode still exists. Private individuals rivalled the Emperors. Already under the Republic the nobility, driven from the city by the malaria, had adopted the practice of passing the summer on the hills which overlook the Roman Campagna,² or on the shores of the Bay of Naples. When an imperial decree obliged the senators to invest a third of their fortune in Italian landed property, the entire peninsula was soon covered with country-houses,—and all the more quickly because no country in the world is better adapted by its sites and climate for pleasure residences of all kinds, whether on the shores of its two seas or its many lakes, or on the slopes of its hills, which under a burning sun keep their forests and their springs nourished by the winter snows.³ To these natural beauties the arts of Greece added their charms. The most varied marbles,⁴ stucco, glass, bronze, gold and silver leaf, elegant paintings, fine arabesques which Raphael did not disdain to imitate, decorated the walls, the ceilings, and, that no space might be left unadorned, the floors bore mosaic

¹ *Epigr.* vi. 61; viii. 10.

² The villas of Pompey, Hortensius, Lucullus, and Cicero were famous. Yet the consuls valued the villas of Cicero at Tusculum and Formiæ, the former only at five hundred thousand sesterces, and the latter at two hundred and fifty thousand (*Cic., Ad Att.* iv. 2). [But he complains of this valuation bitterly. — Ed.]

³ The chalk-hills contain a number of caverns, which become filled at the time of rains, and abundantly supply the springs during the summer. Thus it has been calculated that three fourths of the quantity of the waters of the Tiber during low-water season are supplied from subterranean lakes, and that its summer flow is never less than half the usual supply (*Reclus, Nouv. géog. univ.* i. 460, 461).

⁴ The most valuable marbles in Martial's time were those of Carystus in Eubœa, Laconia, Synnada in Phrygia, and Numidia. Cf. *Epigr.* ix. 76.

work, some of which were magnificent compositions. — as, for example, the battle between Darius and Alexander, found at Pompeii in the “Faun’s house,” the figures in which are almost of natural size. In the interior, columns of Numidian or Euboean marble, for which in the next century Egyptian porphyry was substituted, supported porticos where the air circulated freely, — in the summer protecting from the sun, and in the winter concentrating its light and warmth. At every step a statue, a costly vase, some object of art, some rich



BATTLE BETWEEN DARIUS AND ALEXANDER.¹

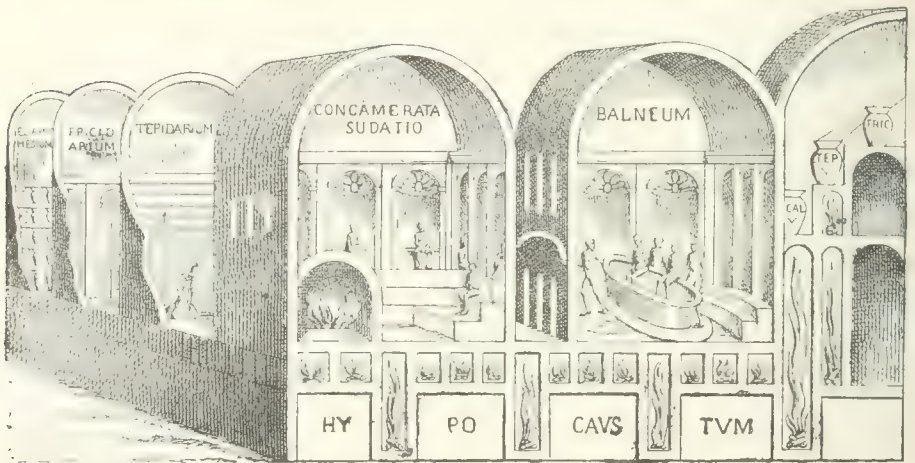
hanging. Many rooms were decorated with special care, — the *atrium*, where stood the *dii lares*, the images of ancestors, and fragrant plants which purified the atmosphere; adjacent, were the *tablinum* and the *cædra* for visitors; farther away, the *triclinium* for guests;² in a place apart, the women’s room; elsewhere the quarters for slaves. The courts were kept cool by “jets of water received in marble basins bordered with flowers, as the rose, the lily, violet, anemone, and the myrtle artistically trimmed.”³ and, when space permitted it, some fine plane-tree, with smooth

¹ Mosaic of Pompeii.

² In the *tablinum* and the *triclinium* of Livia’s house are found the Roman paintings which, till quite lately, were the most ancient that had been discovered. Those of the tomb of the Statilii Tauri (frontispiece to Vol. IV. Sect. II.) are anterior.

³ *Lilia et violas et anemonas et fontes surgentes . . . tonsasque myrtos . . . habeant divites* (Quintilian, viii. 3). Cf. Hor., *Carm.* ii. 15.

bark and elegant and vigorous form, afforded its shade.¹ The *patio* of the Spaniards calls to mind this charming taste. Two other buildings were never wanting to a complete habitation. — the library, which was small, although all this society was literary, or wished to appear such; and the baths, a complicated and expensive structure,² consisting of several successive rooms of different temperature, ending with a palaestra, where gymnastic exercises restored suppleness and strength to the limbs. In the sanitary plans of the



THE INTERIOR OF A BATH.³

Romans the bath with all its accessories played the principal part, and no Roman passed the day without taking one.

At the same time, with all their grandeur and luxury, these habitations were almost always arranged less with a view to comfort and home life than for ostentation. Men prided themselves upon their wealth now, as in earlier days upon their consulships, and notoriety was sought by expensive buildings, since it could no longer be obtained by triumphs. The aristocracy of money had succeeded the aristocracy of race.

The provincial cities imitated Rome, furnishing themselves, each according to its resources, with temples and arenas, baths and

¹ *Arceola quae quatuor platanis inumbratur* (Pliny, *Epist.* v. 6).

² Juvenal (*Sat.* vii. 178) speaks of private baths having cost six hundred thousand sesterces, and Horace of fish-ponds larger than Lake Lucrinus (*Carm.* ii. 15). Respecting baths, see Vol. IV. p. 354.

³ A restoration made in the time of the Renaissance at the order of an architect, as a theoretical plan of ancient baths.



FOUNTAIN IN MOSAIC DISCOVERED AT POMPEII IN 1881.

We are indebted to the kindness of M. Fiorelli, director-general of the excavations in Italy, for the drawing of this curious fountain, discovered in 1881.

theatres, basilicas and senate-houses. It was customary even to copy the names of streets: Antioch in Pisidia had a Velabrum and a Tuscan district; Lyons and the city of the Mattiaci, a Vatican; Toulouse and Cirta, a Capitol,¹ — a name which is still borne by the far from Roman town-house of the queen of Languedoc. Many cities had, like the capital, factions of the circus and distributions of corn. Their rich citizens had also, like the Roman senators, their house in town and their country-house each, and even several rural residences, to have variety of climate, and yet be always at home.² Accordingly, there was no lake or hot-spring, no hill-side well situated for the view or the sun, which had not its villa; when needful, Nature was forced to bend to the owner's taste. A rivulet flowed where a hill had once been; rocks once bare were covered with vineyards and woods; men built out into the sea to have fish-ponds and baths which no tempest could disturb, and "the azure wave retreated before the huge piers."⁴ At Antium may still be seen remains of these submarine constructions. Were it not for the ocean tides from which the shores of Antium and Pozzuoli were exempt, our Norman sea would also be soon obliged to retreat before these costly constructions; but our modern rhetoricians would not find in them a subject for philosophical declamations.

Some of these dwellings were of great size: Seneca compares them to towns.⁵ Still, all that we know of Roman antiquities leads us to suppose that the habitations of the majority were small and of little value. "At Sora, at Fabrateria, at Frusino," says Juvenal, "you can have a pretty house for the rent of a cellar at Rome."⁶

At Pompeii, which had some wealthy citizens, but two or three

¹ Henzen, *Index*, p. 168.

² The villas of the younger Pliny were in all parts of Italy, from the south to the foot of the Alps.

³ See in Statius (*Silv.* ii. 2) his pretentious description of the villa of his friend Pollius Felix at Sorrento, and (*Silv.* i. 3) that of the villa of Vopiscus on the Anio. Cf. Seneca (*Epist.* 55) for the villa of Vatia at Baiae, and Philostratus (*Vit. Soph.* ii. 23) for that of the sophist Damianus at Ephesus.

⁴ Ovid, *Am.* iii. 126.

⁵ *Domus instar urbium* (Seneca, *Epist.* 90; *id.* 89). Tacitus speaks also somewhere of the *villarum infinita spatia*. Exaggerations so easily come to be habitual that a translator of Martial renders *non unius balnea solus habes* thus: "Thou possessest baths which might serve a whole people." Modern rhetoric, outdoing the ancient, has altered the true character of Roman history.

⁶ *Sat.* iii. 223.

important dwellings have been found: the houses are small, the rooms low and dark, — our workmen would refuse to live in them, — and in the narrow streets, every few steps blocked by high crossing stones, only litters and hand-carriages could pass. At Athens the foundations of the old houses are still smaller, and Livia's house on the Palatine seems very unlike the abode of an empress. Pliny was rich, and possessed villas at the gates of Rome, in Tuscany, Beneventum, and near Como an estate belonging to him was let



PLINY'S VILLA.¹

for more than four hundred thousand sesterces. He had besides, he tells us, some money employed in trade.² Accordingly, notwithstanding large benefactions to his native town and to his friends, he was still in a position to purchase a property worth three million sesterces in Latium. Lastly, he had a young wife whom he loved; he was a constant guest at the palace; he belonged by rank, relations, and fortune to the highest Roman society. Without doubt, therefore, his mode of life was that suited to one of the leading

¹ Restoration by Canina.

² *Epist.* v. 6. In *Tusculano* (iv. 13) is put for in *Tuscano* (Henzen, *Tab. alim.* p. 63). *Epist.* x. 24; *Ib.* iii. 29.

persons of the Empire. Now he has left us a minute description of his two villas at Laurentinum, on the seacoast, and Tivernum, in the upper valley of the Tiber. They contain every appliance for comfort, but nothing for luxury, unless it be an object of beauty. He does not tell us of his Corinthian bronzes, his paintings, his statues, copies of Greek masterpieces: he speaks neither of the rich tissues which he possesses, nor of Calpurnia's jewelry: but he describes the judicious arrangement of the rooms, looking out upon the sea or the mountains, where sunshine is found in the autumn, coolness in the summer, and at all times calm and peace.¹ We may say this was a wise man. Yes: but there were many like him, who honorably enjoyed their wealth, who knew how to use it well, and despised the vulgar pleasures of the prodigals, — whose reign, moreover, had for the time passed away.

If we compare these dwellings with the *châteaux* of our rich manufacturers, we shall probably find in the latter² less taste, but more luxury; and there are houses belonging to English noblemen which not even the most magnificent Roman villa ever equalled in extent or in wealth of art treasures, furniture, plate, rare plants, or in the efforts made to make use of the sun and brave the climate. In all that relates to the delights of life we have received lessons from Rome; but how greatly have the pupils surpassed their masters!³

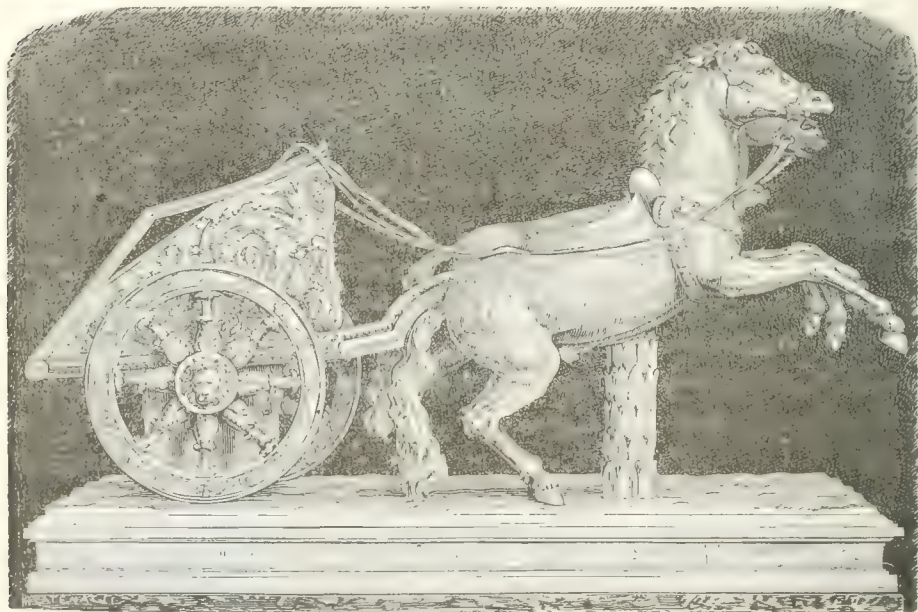
The same is true of the passion for horses: some at Rome were as celebrated as our winners at Longchamp, and they were sold as dear. Caligula proposed to decorate his horse Incitatus with the consular insignia, and Martial's popularity, in his best days of public favor, was eclipsed by that of the racer Andremon. The

¹ It is probable that the description of Pliny's villa might be completed by borrowing from Martial that of the villa of Faustinus (iii. 58). The orator disdains to enter into details in which the poet, who is more simple, takes a delight.

² Yet in Pliny's villa at Tivernum, there were many tritles of doubtful taste: and as there was affectation in his style, so we find it in his gardens, with their box-trees shaped as letters or in the figure of animals, their plants which design names, etc. If a meal is to be served here, the heavier fishes are arranged on the borders of the basin, and the lighter in vases in the form of ships and birds which float on the water.

³ An economist has calculated that ten thousand English families possess plate to the value of at least five hundred pounds, and a hundred and fifty thousand to the value of a hundred pounds. The Romans had certainly much less. At Pompeii down to 1837 there had been discovered in the ruins only a hundred objects in silver (Becker, *G.* i. 8, ii. 322). It is true that many of the inhabitants returned to save their more precious property.

follies of the circus correspond to those of our race-courses; the latter are even greater than were the former, for betting is more general and higher at Longchamp and Epsom than it ever was at Rome or Antioch. In Apulia, Calabria, Sicily, and Cappadocia, vast pastures served for rearing horses, — which were always in demand, because travellers and merchants, rich men and those who sought to become rich, required them for pleasure or for business. The cross-bred horses of Spain and Africa were considered the best;



THE BIGA OF THE VATICAN.¹

Antioch bought such, at great cost, on the banks of the Tagus and Guadalquivir. We import such from the Nedjed, — a still greater distance, and a more difficult journey. The Romans kept genealogies of the circus-winners: we have the stud-book, which is under the supervision of government. Putting aside betting-men and men of fashion, for whom the race-course is a place of business, we find that our hundred and twenty hippodromes are useful institutions. Why should we so sharply blame among the ancients what we

¹ An antique chariot of marble, decorated in relievo, with rosettes combined with foliage and corn-ears. Only one of the horses is antique. The sculptor Franzoni restored this beautiful monument, for which Pius VI. had constructed the rotunda in the Vatican called the Hall of the Biga.

approve among ourselves? Let us condemn on both sides the excesses, the scandals, and the money squandered, but let us accept the rest.

III. — THE SMALLER INDUSTRIES AND FORTUNES.

ON one point we are happily inferior to the ancients, — we require few domestic servants, while they had many. Thus the wife of Apuleius, whose fortune was not at all extraordinary, — four million sesterces, — possessed such a number that she was able to give each of her sons by her first marriage a wedding present of four hundred slaves.¹

All the work of the house, and often that of the farm, was done by them. But industry having enlarged the field of labor, and the means of acquisition having increased in the same ratio with the wants that had been created, the owners of slaves had found it advantageous to interest them in increasing the produce of the earth and in rivalling free labor. Hence those *coloni* who had a right to a share in the crops, and those slaves engaged in industrial occupations and in traffic on equal shares with their masters.² The savings amassed in these forms of labor brought about numerous enfranchisements; and as the freedmen were the most intelligent of the slaves, after gaining freedom many attained to a competency, and some even to wealth. Doubtless they did not all go as far as Narcissus; but many gained enough to form in every city a class whose importance the treasury declared by imposing on it a special tax, — the *vectigal artium*.³

To the large fortunes corresponded the large estates, — another favorite subject of philosophic declamation. The ancients always

¹ This indicates that they were of inferior quality. Xenophon valued an ordinary slave at about \$18.50 (1½ to 2 minae). The Roman soldiers were redeemed by the Achæans at the rate of five minae, — about \$87.50. Papinian, under Septimius Severus, fixed the usual price of a slave at 20 aurei. The indemnity granted by England in 1834 for the liberation of the slaves was at the rate of about \$121. France gave in 1848 for the liberated slaves of Martinique \$80.75, of Guadeloupe, \$89.30, Senegal, \$89.90, Nossibé, \$13.30 apiece. These sums were much lower than the current rates. But we see that at both periods the price of human flesh was nearly the same.

² See above, p. 6 *et seq.*

³ Suet., *Cal.* 40; Lampridius, *Alex. Sev.* 24

made a boast of the seven acres of Curius and Fabricius, and they were right; in the time when from the top of the Capitol the enemy's frontier could be seen, the smallness of men's fortunes was the guaranty of liberty and a means of safety. But when Rome had become a world; when the class of small landowners in Latium had been destroyed by war; when from the spoils of victory and pillage the chiefs could form large domains; when commerce and industry, developed by peace, in the heart of this immense Empire opened new sources of wealth,—this economic revolution, accomplished in a short space of time, produced political and social perturbations which caused patriots and philosophers to condemn wealth in all its forms. Then the elder Pliny exclaimed: "The *latifundia* have destroyed Italy, and they will soon destroy the provinces." But Italian husbandry, which had long employed irrigation,¹ was now seeking to appropriate the agricultural improvements made in other climates. The rich alone possessed the needful capital for running the risks and supporting the expense of these experiments, so that large ownerships,—an evil at the period when manners were simple, and later an inevitable consequence of the conquest of the world—had finally become a necessity in the new social conditions. French agriculture would be imperilled if the profits of manufacturing industry did not build up again the large estate in proportion as the civil code destroys it. Besides, we find on this subject the usual exaggeration. Seneca, who makes a sea out of a pond, does not hesitate to make a kingdom out of a farm.² Now the large estates were not more numerous than the large fortunes. The most extensive parks, inclosed by walls, known to Varro, contained from twenty-five to thirty-two acres; even in France there are many larger than this. In Scotland, which within a century has increased tenfold in wealth, the twelve largest landowners possess 4,339,722 acres.³ At the very gates of Rome the small proprietors were probably less rare

¹ Vergil speaks of it, —

Claudite jam rivos, pueri, sat prata biberunt.

² *Epist.* 89 and 90. Martial says also *Palestrina regna* of a little property at Praeneste given by a patron to his client (xi. 71).

³ The Duke of Sutherland alone has 1,207,190 acres, — the average extent of a French department; and sixteen landowners in England hold 1,105,758, or an average of 69,110 apiece (*Enc. Brit.* 9th edit.).

than now.¹ In the territory of Cære a man who possessed fourteen *jugera* (not quite nine acres) is called by Martial the richest agriculturist in the district,² and he may well have appeared such to the poet, who, like many others, had an estate so small that he used to say: "My land bears only myself."³ At Velleia forty-six landowners, probably the richest in the country, had estates of an average value of \$13,000 to \$15,000: these figures do not indicate extreme concentration of properties. Lastly, the *latifundia* were not always cultivated by servile labor: the younger Pliny used to let his lands to farmers,⁴ and Columella advised the employment of free peasants (*colonicis*).

We reason about the Empire, starting from the hypothesis that all was done by slave-labor. That had been nearly the case at the time when war encumbered Rome and Italy with captives, when Crassus had twenty thousand slaves whom he let out to contractors for all sorts of employments. But since the legions had restricted their duties to guarding the frontiers, war no longer supplied this trade, and the gaps made in the slave-population by mortality and manumissions were scarcely filled by servile births, slave-trading, the exposure, theft, and sale of children. There was left, therefore, for free artisans a large place in the field of labor, and this increased daily, in proportion as were developed the manufacturing industries of clothing, articles of food, building, objects of art, and the immense commerce which had to transport and sell the world's commodities. Saint Paul desired that the bishops and priests should follow an honest calling; and when Dion Chrysostom fled from Rome with no other property than Plato's *Platodo* and an oration of Demosthenes, he was able to reach the extreme limits of the Empire by living on the road by the labor of his hands in the country farms or the city gardens.⁵ Thus the foolish expenditure which dissipated patrician fortunes fell in golden rain on the workman and filled the strong-box of the merchant.

Even previous to the Empire, Varro pointed out to small proprietors the advantages they would secure by establishing "gardens

¹ Pliny (*Hist. nat.* xiv. 5) mentions several of them in a single chapter.

² *Epigr.* vi. 73.

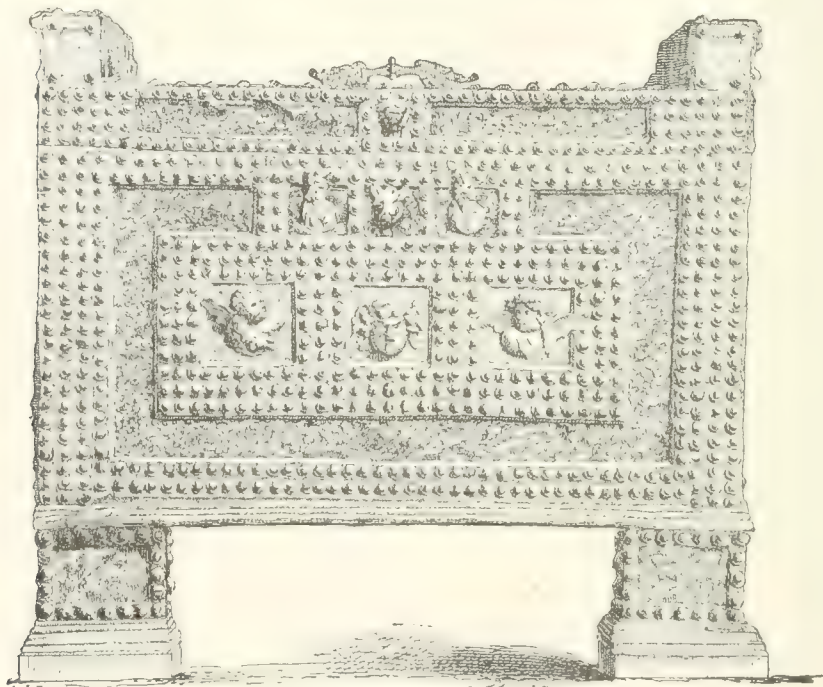
³ *Nili noster, cuius domus, fructus, et ille.*

Ibid. vii. 31.

⁴ *Epist.* ix. 37.

⁵ *Orat.* i.

in the neighborhood of cities, where flowers and fruit are sold for their weight in gold."¹ As a proof of what could be done with small means and tact, he mentions the case of two of his old soldiers, brothers, the possessors of a small house with a half acre of land, which they had covered with plants loved by the bees, and who, from the honey of their hives, made yearly on the average



IRON STRONG-BOX FOUND AT POMPEII.²

ten thousand sesterces.³ In the cities a multitude of trades needed by the rich, and requiring special workmen who were not to be found among their slaves, furnished work and bread to the poor. Juvenal's barber becomes possessor of fields and houses; Martial sees a shoemaker obtain a fortune which he himself never obtained.⁴ Now of these people with small means, who by dint of economy, skill, and strokes of fortune were able to rise above their condition, there were then, as now, a very large number.⁵ When Domitian

¹ *De Re rust.* i. 2 and 16.

² Museum of Naples.

³ *Ibid.* iii. 16, 10.

⁴ Juvenal, *Sat.* i. 24: he refers to it a second time (x. 231). Martial, *Epigr.* ix. 74.

⁵ On the countless number of small shopkeepers and small tradesmen at Rome, see Friedländer, i. 248 *et seq.*

had cleared the streets of the stalls which encumbered them. Martial exclaimed: "Rome is at last Rome again; but lately the city was only one immense shop."¹ And the example of Pompeii proves that it was the same in the small cities.²

With its fifteen or eighteen hundred thousand inhabitants, Rome presented the same social phenomena as our modern cities: above the small tradesfolk, the greater ones; not far from the hovels where the former worked, the splendid establishments in which the latter carried on their business; a rag-fair in all the narrow streets; a Boulevard des Italiens along the Via Sacra, in the Septa of the Campus Martius, and in the Tuscan quarter; here palaces, there stalls, — in a word, everywhere the hard struggle for life; and then, as now, the small sometimes ended by consuming the great, the poor devouring the rich, industrious and skilful frugality getting the better of idle and prodigal wealth.

Official literature. — I mean the literature of high life, which is all that has come down to us, — living on the commonplaces of the past, saw nothing of all this industry, and continued to despise the laboring classes; to this remark exception must be made in the case of Dion Chrysostom, who ranks the useful workman above the rhetorician with his gilded, empty speech.³ But inscriptions, shop-signs, shapeless and yet significant fragments which were formerly neglected by history, attest this transformation. — the agricultural community of the elder Cato becoming the industrial community of the Empire. It was an economic and, of consequence, a social revolution, which, as we have shown,⁴ made a very great change in the civil law. The same revolution was going on in all the provinces. Observe in the Museum at Saint-Germain the numerous sepulchral monuments to artisans which the excavations in Gaul alone have already brought to light. These monuments are evidence of two

¹ *Nunc Roma est, neque magnum taberna fuit.*

Epigr. vii. 61.

See also Mamurra's walk through the bazaars, *ubi Roma suis aurea cerat opes* (*ibid.* ix. 59).

² The inscription in Orelli, No. 1323, where we read that a single proprietor at Pompeii had nine hundred shops to let, has another meaning (cf. *C. I. L.* iv. 1,136); but we still see in the ruins of this city a number of shops.

³ *Orat. vii.* We do indeed find in Seneca, Statius, Lucian, etc., more than one passage in which labor is praised; but it is only a passing reference. So long as slavery existed, the ideas of literary men would be opposed to the rehabilitation of labor.

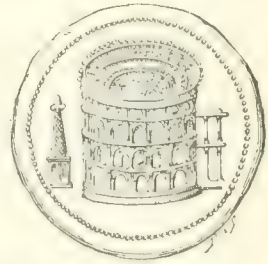
⁴ See, above, the chapter on The Family. The collections of inscriptions prove the large number of industrial colleges existing in the cities, and the great variety of industries.

facts, — the prosperity of these working men, who were rich enough to prepare costly tombs for themselves, and the pride of these representatives of free labor, who, far from concealing their condition, wished to be seen after death with the tool which they had used during life. These men were evidently proud of their calling; and if this were so, their fellow-citizens must have considered their pride legitimate.

Luxury is not in itself blamable; when it is restricted and in good taste, it reveals in those who show it a refinement suggesting the existence of other virtues. Some of the charming paintings at Pompeii give us no bad opinion of the men who ordered them, and we are pleased to find in Livia's house those elegant decorations which suggest a well-regulated life. Plato has said: "The beautiful is profitable." It is that luxury of a baser kind, which leads into foolish, unproductive expenditure or addresses itself to the sensual appetites, that should be proscribed. The latter filled a large place in the Rome of the early Caesars, and we do not intend to make its apology. It stimulated those passions which should most carefully be restrained; and were this the only form that men could have, they would do better to dispense with it altogether. Unfortunately the two forms are usually found together, and hence philosophy condemns them both. History, which is better acquainted with the true conditions of human societies, is satisfied with branding the abuse and showing that, by a just law of expiation, ill-gotten wealth is rapidly scattered by the children of the spoliators. The destitution of Hortalus, the despair of Apicius, the death of so many personages who, like Vitellius, ended upon the Gemoniae the orgies begun in palaces, inspire little pity. For these individual disasters, history finds full compensation in the increased comfort of the masses and in the substitution for an exhausted patriciate of a new nobility having Tacitus and Pliny for its orators, Verginius Rufus and Agricola for its generals, and Trajan and Hadrian for its Emperors.

IV. — MAGNIFICENCE OF THE PUBLIC WORKS; THEATRES AND AMPHITHEATRES.

ANOTHER reservation is to be made when we speak of the enormous extravagance of the Romans; it is this: a part of the revenues of the state and the wealth of private individuals was employed in constructions not intended, like Versailles, to gratify the pride of the monarch, or, like the castles of the feudal lords of Medieval Europe, to strengthen the insolence of a caste, but designed to promote the general interests of the Empire, — as highways, bridges, arsenals, and harbors, — or the beliefs, the pleasures, and the welfare of the masses, — like temples and basilicas, baths and porticos, circuses and theatres. The old words always in use at Rome and in the provincial cities, “the Republic and the sovereign people,” compelled the Emperor on the banks of the Tiber, the rich in their munificence, to pay to the poor, in all sorts of gifts, the price of their power and their honors.



THE FLAVIAN AMPHITHEATRE.¹

Of this Augustus set an example. It will be remembered that he boasted of having left Rome marble; and the most economical of the Emperors, Vespasian, did not hesitate to expend enormous sums in constructing the gigantic edifice called by the Romans the Colosseum. Even of the bad Emperors there were few who did not undertake some edifice intended for public utility. What modern capital has given to the masses buildings worthy of comparison with the theatre of Marcellus, the baths of Caracalla, the Colosseum of Vespasian, or those porticos where a man could walk in the open air, yet sheltered from sun and rain, for miles, with the masterpieces of Greek art before his eyes? If we except what has been done within the last few years in London and Paris, what are our aqueducts compared with those of the Romans for supplying water to the urban populations? In the countries of the South water is an object of prime necessity, since the bath is indispensable

¹ The Colosseum. The reverse of a large bronze of Titus representing in the centre the Colosseum, on the left a pyramid, and on the right a part of the Golden House.

for health. A gratuitous water-supply was, as we should say, a very democratic measure; but the Romans knew how to make it everywhere accessible. Rome is still, notwithstanding the de-

struction of so many of the ancient aqueducts, the city best provided with public fountains in the world.¹ In the provincial cities the obtaining of a water-supply was the first important concern of the curia. We have seen, in Pliny's correspondence when governor of Bithynia, what vast sums were spent on these works. In modern times Lyons, between her two rivers, was long insufficiently supplied with water; and the same was true in the case of Nîmes. In the former city the Romans had been able to raise water to the summit of Fourvières, and in the latter to bring it by the Pont du Gard from the pure springs of the Cevennes.²



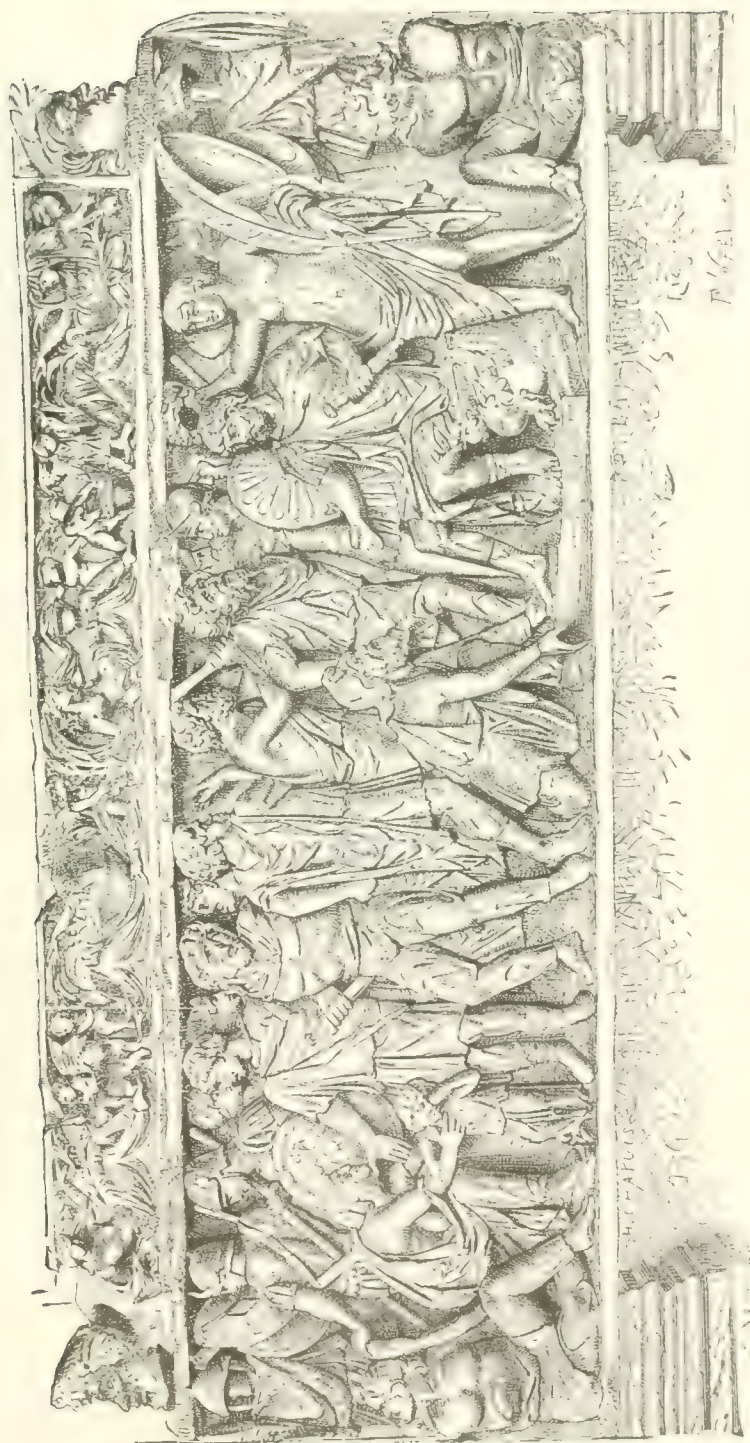
A DANCER.³

Theatres and Amphitheatres. — That the Roman theatres were more harmful than useful to the public, was not the fault of those

¹ Water for drinking purposes per day per head: at Rome (1869), 0.944 m.; at Paris (1875), 0.2 m.; at London (1871), 0.125 m. (Reclus, *Nouv. géogr. univ.* p. 471).

² The aqueduct of Segovia is 216 feet high, the Pont du Gard 155 feet. The *Anio Vetus*, constructed B. C. 272, is 43,000 paces long; the *Aqua Marcia*, in 144, 62,000; the *Anio Novus*, in A. D. 52, 59,000. The total length of all the conduits which bring water to Rome was 263 miles, of which nearly twenty were on arches (Saglio's *Dict. des Antiq. : Aqueducs*).

³ Statue from the Villa Albani.



CAPTIVES BROUGHT BEFORE A VICTORIOUS GENERAL (FROM A SARCOPHAGUS AT ROME).

who built them, but of the poets who wrote immoral dramas, and of the spectators who desired licentious entertainments. Even while the popular amusements still kept somewhat of their primitive character,—that of religious mysteries,—the audience loved to laugh at the coarse wit and obscenities with which at the Floral Games the strictest republicans allowed themselves to be amused. What, then, did these customs become in the midst of a populace recruited from former slaves? In the heart of the East, in the voluptuous dances of India or Egypt, we now find something resembling the postures and gestures of the Roman mimes, of the dancers of Cadiz or Antioch, or of her who became the Empress Theodora. Even in Christian Europe, in the royal or princely festivities of the fifteenth and sixteenth centuries, there were exhibitions of naked women, sometimes selected from the noblest of the city, like those who at Lille represented before Charles the Bold the Judgment of Paris.¹ In our days the *tableaux* and ballets of the opera are not adapted to form a very strictly virtuous youth. But, thank God! the “realism” of our own days has never reached such a point as to exhibit to an audience a real pyre, actual flames, and in the midst a living man being consumed.²

As regards the games, the Romans did not use them as the Greeks did. At Olympeia the noblest and bravest young men went down into the arena; and to this practice the exercises of the stadium owe a dignity which the Roman games did not possess. In this respect the modern civilized nations are much more truly the descendants of Rome than of Greece. Nor did the Greeks admire those sanguinary sights whither a whole city often thronged to see wild beasts tearing men to pieces, and prisoners, voluntary combatants, men of free condition, senators even, butchering one another for money, for the plaudits of the crowd, for a smile from the Emperor.³ Even Trajan caused ten thousand captives to fight in

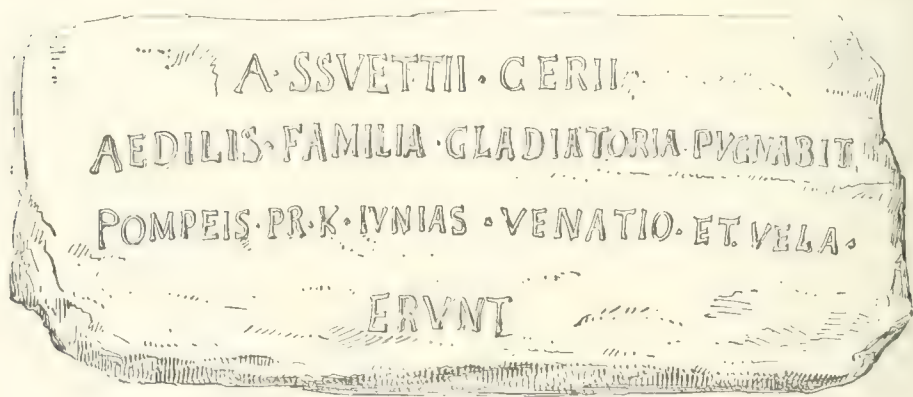
¹ See analogous facts in Friedländer, ii. 302, note 1.

² Suet., *Nero*, 12, and Martial, *De Spect.* 6 and 23. In No. 9 Martial speaks of one Laureolus bound to a cross in the amphitheatre and delivered to a wild beast; in No. 23 of a representation of Orpheus where the actor was torn to pieces by a bear, etc. These men were, it is true, criminals condemned to death. Death by burning was a legal punishment.

³ . . . *Feminarum illustrium senatorumque plures per arenam fœdati sunt* (Tac., *Anna.* xv. 32). Cf. Suet., *Dom.* 4; Juvenal, *Sat.* i. 22. Petronius (*Satyr.* 117) has preserved the oath which gladiators had to take: “We swear to suffer fire, chains, the lash, death, whatever he may order us . . . we bind ourselves to him body and soul.”

games which lasted a hundred and twenty-three days. We have seen Claudius assembling twice as many for his sham-fight on Lake Fucinus; and as these unfortunate men showed some reluctance to be killed, legions, machines, and catapults were brought out in order to compel their submission.

Others, on the contrary, gladly grasped the sword, to make their escape from life or from servitude. Some, the most accomplished actors in these bloody games, showed art in their movements and grace in their manner, as they gave or received the deadly stroke. As they fell they still studied their attitude, and died



ADVERTISEMENT OF A GLADIATORIAL COMBAT.¹

with grace. But sometimes also a noble captive refused this degrading conflict, and with haughty look and arms crossed awaited the lion or panther.

When the games were ended, slaves armed with hooks drew the bodies out of the arena and flung them into the *spoliarium*, — a sort of cave under the amphitheatre. Thither came two servants of the amphitheatre, one of whom touched the bodies with a hot iron to see if there were any life in them still, and gave to the care of a doctor those not mortally wounded; while the other finished with blows of a mace those not worth the trouble of trying to save. Two gates gave exit from the *spoliarium*; by the one went forth the living, by the other the dead (*porta sanarivaria, porta mortualis*).

¹ A poster at Pompeii. Translation: "The *familia* of gladiators of Aulus Suetlius Cerius, aedile, will fight at Pompeii the last day of May. There will be a chase, and a *velarium* (to keep off the sun)."

The ruins of amphitheatres have been found in seventy cities in Italy.¹ What butchery of human beings for the amusement of the populace!

Yet it was less than we are accustomed to suppose. Every year some hundreds of men, perhaps thousands, perished in the amphitheatres.² But some were prisoners of war, or persons relieved, to whom a chance of escaping death was offered; others were members of a particular calling, which, like the Spanish *torcador*, wagered life against fortune, — *mortesque et vulnere vendita pastu*.³ We who have suppressed torture, who seek even to conceal from view the execution of the death-penalty, have a horror of these scenes which destroy the moral character of punishment, and no longer see in them justice striking the guilty, but the ferocious delight of a people at its sport.

This is a legitimate disgust. Yet it is right to say that the religious faith which had established bloody games around tombs was not quite extinguished in the time of Commodus, where we find a gladiatorial combat given "for the Emperor's health."⁴ Besides, the penal laws of the Romans were of extreme severity; they multiplied indefinitely the cases of condemnation to death, and the law of nations placed the conquered at the mercy of the conqueror. The gladiator was an expensive luxury; to expose a condemned person to the beasts was therefore economy. The assassin, the incendiary, the robber, the sacrilegious, the soldier guilty of mutiny, etc., obliged to slay one another or to fight the beasts, diminished considerably the cost of the games. As regards prisoners of war too rude to be useful for domestic service,

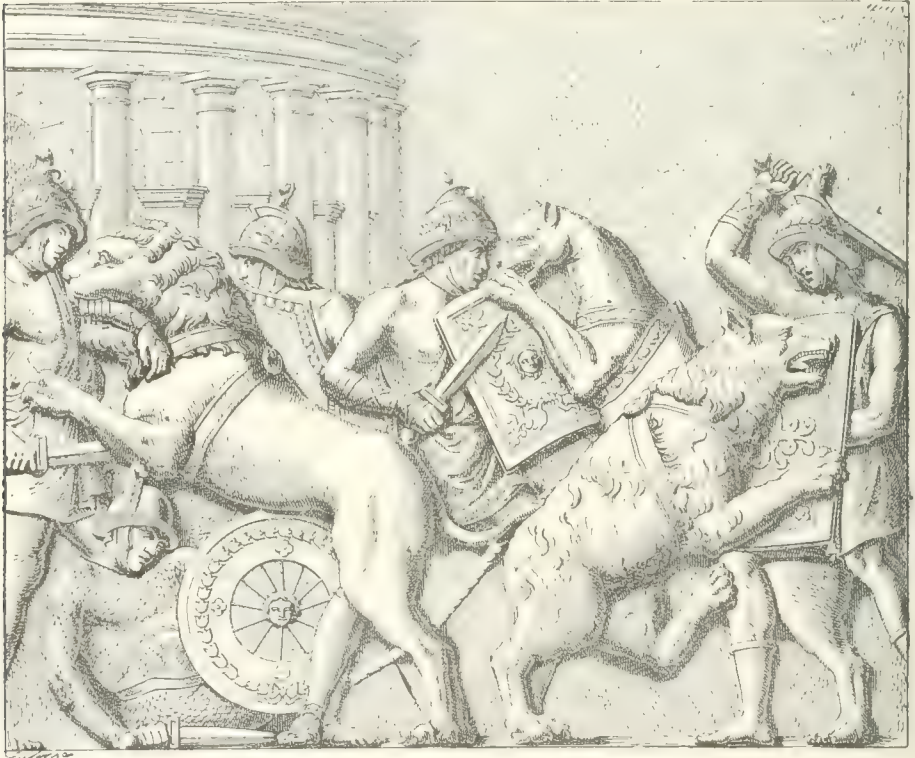
¹ Friedländer, ii. 411-445. The longer diameter of the Colosseum, including the walls, is 616 feet, the lesser 510 feet, the arena 279 by 174 feet. There were seats for eighty-seven thousand spectators; fifteen thousand were able besides to find standing room. Next to Italy, Gaul had the greatest number of these edifices. Fifty-five have been counted, but probably a good number of them were only theatres. Then came Numidia and Africa proper, where traces of twenty have been found, and Spain. We find none in the northern provinces nor in Greece, — Corinth excepted, which was a Roman colony, — and there were very few in the East. In the Middle Ages also a wild beast was sometimes the executioner (Friedländer, after Burkhardt, *Cultur der Renaissance*, 288, 2).

² Augustus says (*Mon. Ancr.* 22) that ten thousand men had fought in the games given by him during his reign. This would be in forty-four years for the imperial festivities — an annual rate of 115 dead or wounded, one half coming off clear. The gladiators who were only wounded were well cared for, for they represented capital which must not be wasted.

³ Prudentius, *In Symm.* ii. 1,092.

⁴ . . . *Pro salute imperatoris* (Mommsen, *Inscr. Neapol.* No. 4,040).

they were well fed and trained, and then sent to the arena, where their skill and courage saved some of them. The great slaughters took place after fortunate expeditions,—under Vespasian, when Jerusalem fell; under Trajan, on his return from the last Dacian campaign; in the time of Aurelian and Probus, after their triumphs:¹ but the skirmishes which were continually taking place along the frontiers provided captives whom the stern Romans found



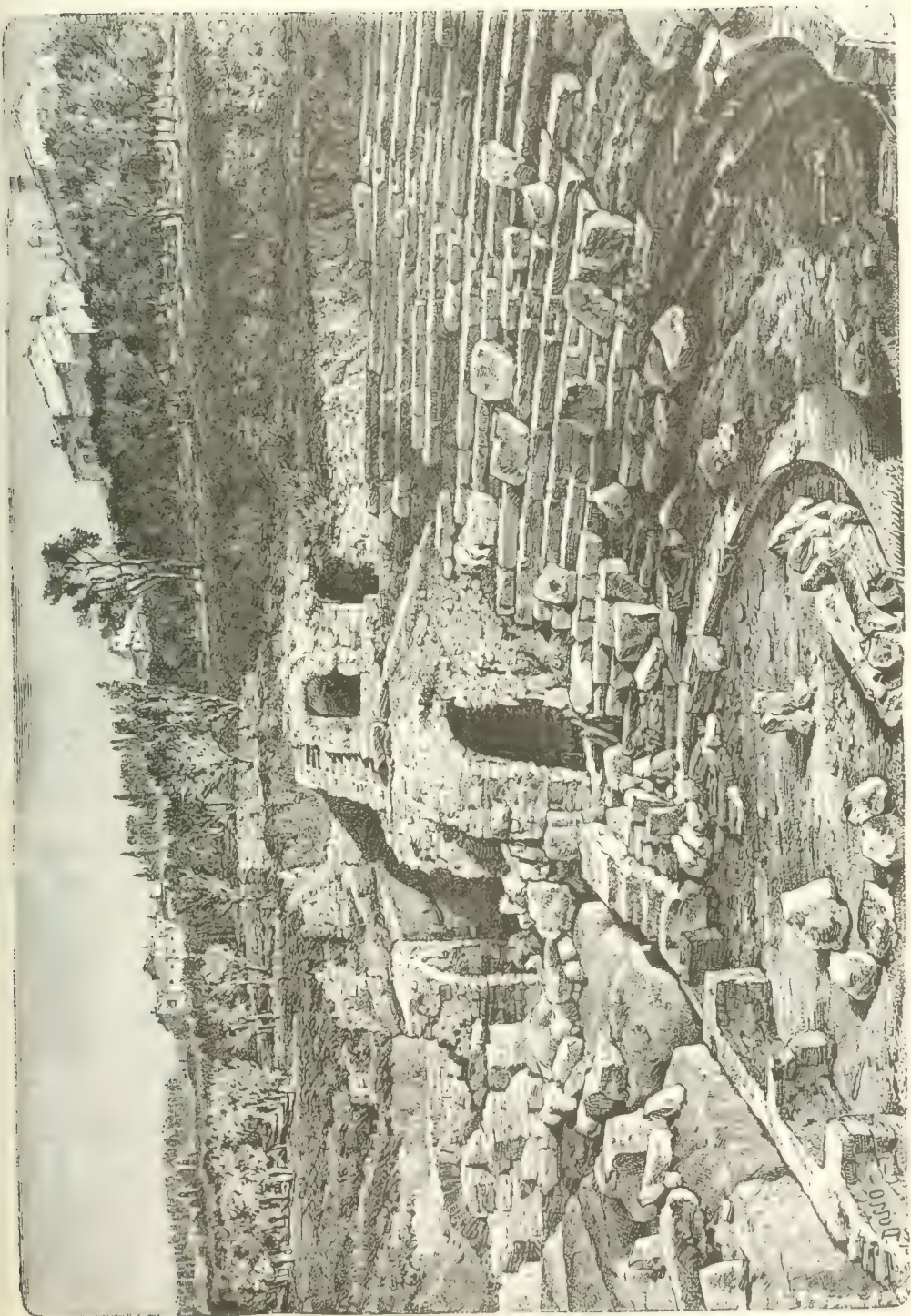
GLADIATORS FIGHTING WITH WILD BEASTS.²

no difficulty in disposing of. Those who seemed docile were enlisted or sold; the rest recruited the bands of gladiators. Even in the Christian Empire the panegyrists of Constantine say: "The perfidy of the Brueteri does not allow them to be employed as soldiers, and their savage nature prevents selling them as slaves; by exposing them to the beasts you have made the extermination of these enemies of the Empire serve for the pleasures of the people. This was the grandest triumph conceivable."³

¹ Vopiscus, *Aurel.* 33; *Proh.* 19.

² *Atlas du Bull. arch.* vol. iii. pl. 38.

³ *Paneg.* vi. 12, 3; viii. 23, 3. An edict of Constantine in 326 disapproved of these



RUINS OF THE AMPHITHEATRE OF FIESOLE.

Not all gladiators perished in the amphitheatre. On every occasion when they fought a good number were saved by their skill, or were healed of their wounds, especially when it was Galen who had the care of them, and some attained celebrity. The heroes of the arena were as popular at Rome as the victors in the chariot-races. Poets sang their praises, painters and sculptors represented their exploits in the palaces, upon the tombs, and even in the temples.

MIRMILLO.¹MIRMILLO (RESTORATION).²

Thus the attraction of peril, the intoxicating stateliness of the spectacle, the applause of the crowd, the desire to win distinction, in the midst of this magnificence, by some famous deed whose reward they would find elsewhere,³ induced young nobles of the equestrian

games, but another of the same Emperor of later date (Henzen. No. 5,580) authorized them at Hispellum. Respecting the continuance of these shows for still another century, even under Honorius, see Cassiodorus, *Varia*, v., *op.* 42, and Wallon, *Hist. de l'esclavage*, iii. 421 *et seq.*

¹ Bronze in the Museum of Saint-Germain.

² Museum of Saint-Germain.

³ Juvenal, *Sat.* vi. 78; Petronius, *Saty.* 126; Plutarch, *Galba*, 9; Spartianus, *M. Ant.* 19.

and even of the senatorial order to descend into the arena. The law forbade this, and branded the gladiator with infamy; but the public taste was stronger than the law. The Emperor Macrinus had been a gladiator.¹ The desire of experiencing violent emotions

which is in human nature finds its satisfaction, according to the character of peoples and individuals, in different amusements. This it was which made the intelligent crowd of Athens flock to see the tragedies of Sophocles and Aeschylus, so full of religious terrors; it drove to the combats of the arena the sons of those rude soldiers whose fortune had been made by war, and who seem to have transmitted to their posterity the taste for blood.



RETIARIUS (RESTORED).²



MIRMILLO.³

Some of the actors in these sanguinary games gained wealth; the parsimonious Tiberius offered as much as a hundred thousand sesterces to gladiators of tried merit to induce them to appear in the games, and Nero gave large estates to some of the mirmillones.

¹ Spartianus, *Maer.* 4. Under Tiberius, when the games were rare, Seneca heard a mirmillo lamenting that he was allowed to waste his best years in idleness (*De Prover.* iv. 4). Liberated gladiators who had saved nothing from their gains were sometimes made mendicant priests of Bellona (Schol. in *Juv.*, *Sat.* vi. 105).

² Museum of Saint-Germain.

³ Bronze in the Museum of Saint-Germain.

We might even be tempted to say, at sight of these men bravely engaging in mortal combat, that the populations of the West preserved a manly vigor unknown to those of the East, where these amusements were never popular.¹ Hadrian, the restorer of military discipline, considered these exercises useful, and himself engaged in them : *gladiatoria quoque arma tractavit*.² Titus and Verus did the same ; and if our laws did not prevent it, we should again see volunteer gladiators. A writer of the time of Constantine explains this custom by an idea both religious and warlike. At the opening of a campaign gladiators were made to fight, to accustom the soldier to wounds and to satiate Nemesis with blood.³ In the whole of Latin literature Seneca is perhaps the only writer who regarded these sanguinary games from the modern point of view.⁴ "This wretch has committed murder," he says to a frequenter of the amphitheatre ; "it is just that he should suffer what he has made another endure. But what have you done, unfortunate man, that you should be condemned to be present at such a spectacle?" This perversion of the moral sense in men like Cicero and the younger Pliny would be incomprehensible, had we not seen the most gentle minds justify the Inquisition and applaud the massacre of St. Bartholomew. Even morality is a work of time, which by slow elaboration separates in the human heart true feelings from evil passions : and a man is not always more meritorious for being better, when his goodness is simply due to his coming later into the world.⁵

¹ We find this thought in Pliny (*Pan.* 33) : *Spectaculum quod ad pulchra mortis vultura accenderet contumtumque* : even in Lucian (*Anach.* 37), who disapproves of gladiatorial combats, but represents Solon as saying to Anacharsis that a law of Athens obliges young men to be present at cock-fighting, in order that, at sight of these birds struggling to the very death, the desire to brave death in their turn might be kindled in their souls.

² Spartian, *Had.* 13 ; for Titus, Dion, lvi. 15 ; for Verus, Spartian, *M. Ant.* 8 ; for Didius Julianus, Spartian, 9, etc.

³ Capitolinus, *Max. et Balb.* 8.

⁴ *Epist.* 7. On the attraction of these spectacles, see the curious history of Alypius related by Saint Augustine (*Confess.* vi. 8).

⁵ The laws which govern our actions as moral agents are eternal, and not a principle in ethics has been discovered which Plato did not know ; but the knowledge of these laws is not the same at all times, nor at any given period, for all men.

V. — EXAGGERATIONS OF THE MORALISTS AND POETS IN THEIR DESCRIPTIONS OF ROMAN SOCIETY.

WERE private morals at all better than this portion of public morals? Yes, and no, according to what we look at and whom we accept as authority. Regard only Rome, Antioch, Alexandria, the festering centres of an immense agglomeration of men, where are developed even more moral maladies than physical ills, and you will find all the accusations true. It will be the same if you believe the statements of the moralists, who see everything in black, and the comic and satiric poets, who see everything distorted; because it is the rule for the former always to condemn the present, to the advantage of the past, and of the latter to study exceptional cases, to take social monstrosities as the faithful representations of the whole of society. Where a slight shade would be just, they put a harsh tone, which exaggerates the relief; and, like them, we perceive only what thus stands out. A tranquil, decent life, without signal virtues or vices, that every-day life which is most common among men, is no more attractive to these writers than the dull level to the traveller seeking the rude charms of mountain scenery. These authors are eloquent and artistic, but not always truthful, and they have their justification, since eloquence and art are beautiful, and moreover useful, warning all men, and correcting those who err. But they show us only a part of the picture, instead of the whole; and when their method is applied to all periods, each in its turn appears censurable. Seneca in his day ridiculed those men who were forever calling their contemporaries to account.¹ "Morals are gone: evil triumphs; all virtue, all justice is disappearing; the world is degenerating! This is what was said in our fathers' days, it is what men say to-day, and it will be the cry of our children."

Let us take for example a vagabond's epic, the *Satyricon* of Petronius, a singular book recalling the indecent buffoonery of Rabelais. It is human life in Nero's time, critics say. This is

¹ *De Benef.* i. 10. Letter 97 is still more explicit. "Our youth," he says, "is better than that of former days."

true; but it is the life of the slums through which the author leads his heroes. — jail-birds, men utterly demoralized, to the point even of being no longer conscious of their own degradation. Tacitus and even Suetonius leave all this infamy under a certain shadow; Petronius and Juvenal place everything in the full light. This picture is a page of history, but it is a history which repeats itself wherever youth, gold, and the vacuity of a useless life meet.

Petronius, supplemented by Martial, Apuleius, and Juvenal, has brought much ill fame upon Roman society. But these writers, who have been taken literally, sought above all to amuse and to make men laugh, and certain worthy people have been willing to be amused, tolerating the shamelessness of the story for the sake of its cleverness. In the days of the *Précieuses* the great Condé liked to have the *Satyricon* read aloud to him, and now Molière seems to us coarse. A few years later, Madame de Sévigné sent her daughter the *Tales* of La Fontaine, which she admired, but which we no longer read; and a minister, Comte de Pontchartrain, collected for his own library, as pleasing curiosities, the books which the parliament caused to be publicly burned.

As every large city has its sewers, so every large society has its impurities. France is justly proud of the elegant and noble society which gathered round Louis XIV.: it was her *grand siècle*, — a time of heroic soldiers, upright magistrates, saints and martyrs, men of letters and of science who are the honor of France; but in that same period we also find hypocrites, whom Molière and La Bruyère chastise, noblemen who cheated at cards and would have had no scruples about throwing their serfs to the fishes, ladies of rank who robbed their tradespeople, or who carried on their shameless and venal gallantries in the *pays de Braquerie*,¹ magistrates who accepted bribes, peculating ministers, — in fine, all the crimes which the archives of the Bastille reveal to us.² Under Nero, Locusta taught the art of poisoning; but in the best period of the Renaissance Italy was called “the Poisoner,” and in France during the time of the Valois and the Brinvilliers the art of causing a human being to disappear was carried to perfection. In the trials of La Voisin, the Abbé Guibourg, and Canon Dulong, the inquiry was abandoned,

¹ See the *Works* of Bussy-Rabutin.

² See the *Arch. de la Bastille*, by Fr. Ravaisson, 6 vols. in 8vo.

to avoid finding guilty parties even in the King's palace. But does this mean that for this glorious period we must seek the representatives of France in the Bastille and in houses of ill-fame? Assuredly not. What we do as regards our own history, let us then do for that of the Empire.

The *Satyricon* gives a large amount of space to the most hideous pictures; but I shall select only such as are presentable, and some features of that provincial life which the historians, so occupied with Rome, absolutely leave in the shade. Let us first look at Trimalchio, — that counterfeit Lucullus, a type of the fortune-makers of the time, who practises usury, although he has millions, beats his wife Fortunata, in spite of her services, and commits barbarisms in his language although he always has hungry rhetoricians at his table. With the sententious gravity of a man who, after having made a large fortune, tries to assume an elegant style. Trimalchio relates how from a slave he became a freedman, from a servant a master.

“When I first came from Asia I was no taller than this candlestick, and to make my beard grow I used to rub my lips and chin with lamp-oil. But I served my master and mistress diligently for fourteen years, so he made me co-heir with Caesar, and I came in for a senator's fortune. Man is never satisfied! I wanted to enter into trade; I built five ships and freighted them with wine, — at that time worth its weight in gold. They were all wrecked. Do you think I was discouraged? By Hercules, no! I built other ships, larger, better, and more fortunate, so that everybody said I was a man of pluck. Fortunata behaved like a wife on this occasion: she sold all her jewels and her dresses, and put a hundred gold pieces into my hand. What the gods will is soon done; by one trip I gained ten millions. I immediately redeemed all the lands that had been my patron's; built a house; bought cattle to sell again; everything thrived under my hand like a honeycomb. After I came to have more wealth than my whole country is worth, I withdrew from commerce and began to lend money on usury to freedmen.”¹

He is right to possess this calm tranquillity, for when once arrived at the top, and installed in the midst of wealth, no one

¹ *Satyricon*, 75, 76.

will ask him how he arrived there. Gold ennobles everything; it is the supreme god. How can men help holding its priests in consideration? "Trimalchio has lands enough to weary a kite in his flight;¹ his money begets more, and his slaves—good gods! there is not one in ten who would know his master. He buys nothing; everything is produced in his house,—wool, wax, pepper. You might ask for pigeon's milk, and it would be brought you. Happy fellow is this Trimalchio! He lies late in his ivory bed while the eager crowd of his clients kick their heels at his gates. At last he deigns to show himself; he addresses a few words here or there, and favors the privileged with a nod. Order the litter! the slaves! Trimalchio will go to the Forum. If the weather is fine he rides on a costly mule. On the road he stops to make a visit: the retinue of clients stops, and awaits him in the mud or in the sun; he continues his way, they run after him. And yet this Trimalchio is only a freedman. Till quite lately he carried wood on his shoulders. Whence this respect by which he is surrounded? He possesses eighteen million sesterces. How did he get them? Nobody knows; but he has them,—that is the important matter. Stand aside, then, when he passes, and win his good graces if you can. Trimalchio knows his own importance: see how he admires himself draped in his flowing toga! The large sleeves are carefully drawn over his hands hardened by servile toil. What a sudden change! The other day the blows rained on his shoulders; now he is honored and revered. He speaks loud, and men listen; he will say plenty of silly things: but no matter, his fortune serves as intellect for him."

A worthy precursor of all those whose fortunes have outgrown their minds, Trimalchio expends his money ostentatiously on sumptuous feasts, in which he aims to astonish his guests by his uncouth luxury and his recently acquired learning. He quotes Homer and Vergil; he extemporizes poetry and philosophy. In the midst of the orgies he commands a silver skeleton to be brought in, which inspires him with this fine sentence: "Such we shall soon be; therefore let us live while we can live well."² But he is more

¹ Juvenal, *Sat.* ix. 55.

² *Ergo vivamus dum licet esse bene* (*Satyr.* 34). It was the practice to recall the idea of death in the midst of festivities, not to suggest grave thoughts, but by way of contrast,

ridiculous than wicked even, — in some respects, he is better than the men of the preceding age; and I pardon some eccentricities in him when I hear from the depths of his dull soul an echo of sentiments which were beginning to be diffused, and must indeed make their way, since they have been able to pierce this money-bag: “My friends, slaves are also men as we are; they have sucked the same milk as we, though an ill fortune has borne them down.



SKELETON, WITH THE SOCRATIC MAXIM, “KNOW THYSELF.”¹

However, without prejudice to myself, mine shall soon drink the water of the free; I emancipate them all in my will.”

Chrysanthus has not reached so high a position, but he too has lived well, as the world understands it. Let us see what this was, according to Petronius and certain of his contemporaries: —

“He had the lot which he deserved, — he lived well and died well: what, therefore, has he to complain of? He began the world with nothing, and to his latest day he would have picked a copper coin out of the mire with his teeth. But his fortune grew daily. By Hercules, I believe he died worth a hundred thousand solidi in

to heighten the enjoyment. Cf. Martial, *Epigr.* v. 64. M. Perrot found at Kontahia, in Phrygia, a mortuary inscription which represents men who lived like Trimalchi. “I tell my friends: Give yourselves up to pleasure, to voluptuousness, live. You must die, therefore drink, enjoy, and dance” (*Galatie*, p. 117).

¹ Mosaic in the Kircher Museum at Rome.

ready money. . . . How many years do you think he buried with him? Over seventy; but he was as tough as horn, and carried his age wondrously. His hair was as black as a crow. I knew him when he was a young fellow no better than he should be, and such he was to the last. — not that I blame him. The pleasure of having enjoyed was all that he carried out of the world with him.”¹

Enjoyment! It was a common word in those days, as it is now.² But how certain traits in this description, and the animation of the style, remind one of *La Bruyère*!

Listen now to this street-brawler, who thinks only of his own needs, who values only what secures to him his pittance, and if this fail him, rails alike against heaven and earth. “All day long,” he says, “I have been without a mouthful of food. I feel as if I had fasted for a year. A curse on the aediles, who are playing into the hands of the bakers! And the poor suffer while these rich rascals live in continual enjoyment. Oh! if we still had those good fellows that I found here on my return from Asia! Living was abundant in those days: it was like being in the heart of Sicily for plenty, and they knocked about those vampires, the aediles, in such style that Jupiter was their friend no longer. There was *Safinius*, I remember him well: he was a pepper-corn, not a man, he made the ground smoke under him wherever he went; but he was a downright honest man, a friend to his friend. And then in the *curia* how he pounded them up, one and all! His voice swelled in the *Forum* like a trumpet. I believe he had something of the Asiatic in his blood. And what a civil man he was! He returned every one’s salute; he called every man by his name, as if he had been one of us. Provisions were cheap in his time: for an as you had more than enough to eat for two. Now the loaf for an as is not so big as a bullock’s eye. Alas! alas! things grow worse every day. The colony is growing down, like a calf’s tail. And why should it not? We have an aedile not worth three figs, who prefers an as to the lives of us all. He laughs at us when he is at home: for he gets more money in on-

¹ *Satyr.* 43.

² Hear *La Fontaine*: “‘Enjoy yourself.’ ‘I will do so.’ ‘But when will you begin?’ ‘From to-morrow.’ ‘Ah! my friend, death may seize you on the road; begin to-day . . .’” (*Fables*, VIII. xxvii.). Cf. *Hor.*, *Carm.* II. xiv., and *Martial*, *Epigr.* i. 16.

day than another man's whole fortune comes to. I know where he took a thousand gold denarii. Oh, if we had a little pluck, he would not hold his head so high! But the people are like this nowadays,—lions at home, but foxes abroad.”¹

We have all heard this demagogue ourselves, for such as he are found at all times; but in those days he stopped at mere lamentations, and did not get so far as an outbreak. He had, moreover, a trait of character which our demagogues do not possess,—he is religious, or seems to be so, and seeks to stir up the devout as well as the idle and the needy.

What is to become of us if neither gods nor men show pity to the colony? Heaven help me! I believe that all this happens by the will of the immortals! For nobody now believes that heaven is heaven, or keeps a fast, or takes account of Jupiter; but all shut their eyes, and only trouble their heads about what they are worth. Formerly the women with bare feet, flowing hair, veiled face, pure-souled, went up the hillside to pray Jupiter to send rain, and it came down in torrents, and all rejoiced. Times are changed; because we are irreligious, our fields lie barren.”²

But do not take Petronius at his word; he knows as well as Lucretius what his divinities are worth. “Now those who are bound by vows, as much as those who would sell the world, emulously make to themselves gods who shall be propitious to their wishes.” They had invented one which in all ages is sure of worshippers.—*Cain*. An inscription at Pompeii in mosaic, at the threshold of a house, called upon the visitor in crossing it to do honor to the divinity, the protector of fruitful industries.—*Salve Lucru*.³

VI. — STRICTNESS OF MORALS IN THE PROVINCES AND HIGH SOCIETY.

WE have already remarked the outburst of immorality in the last century of the Republic; at the period of the Antonines this society, which such great wealth, suddenly and badly acquired, had unsettled, calmed down again. The enormous fortunes having been

¹ *Satyr.* 44.

² *Id., ibid.*

³ One of the two lares of Trimalchio was *Lucro* (*ibid.* 60)

dissipated, and the means of making them again having ceased to exist, manners changed. The Romans were no longer parvenus squandering wealth and power like men suddenly enriched, and social life resumed its regular course. Moreover, the whole Empire was not comprised in Rome. As we read the satirists and poets, we seem to forget, as they do, all the honest men who were living honourable quiet lives, far from the great cities and also composed the mass of the Empire's population, — a solid but dull background not clearly seen, from which the vices, passions, and unfeebly ambitious of the time stood out in glaring colours because immorality is always conspicuous, while good conduct attracts but little notice.

Doubtless with a religion which prohibited nothing, and slavery, which facilitated everything, and the most demoralizing public shows, which were frequented by women as well as men, the laws of morality, ill-defined and feeble, could do little to restrain vulgar minds. Moreover, men have seemed to suppose that the whole Empire was assembled at Nero's festivities and seated at the feasts of Vitellius, as it has been thought that all France a century and a half ago had the morals of the Regency and supped every evening like the Duke of Orleans.¹

But abundant evidence proves to us that if we could penetrate into the midst of the provincial populations, even into some of the great families at Rome, we should find those morals which accompany moderate fortunes and desires, or dignity and refinement of character. Tacitus speaks of "those who had come from remote municipal towns and occupied that part of Italy where strictness of manners and primitive simplicity were still preserved;"² and he exhibits these provincials staying for a time at Rome, chief men sent as a deputation to the Senate, or simply individuals who had come on private business, as unable to endure the sight of a dissoluteness which was new to them (*dasecium inopertit*). The *novi homines*, he says again, "who were called from the provinces to the Roman Senate, brought thither the economy and order of their private life." Massilia seems to him "a place where Grecian

¹ The recollections of the Maréchale Princesse de Beauvau, whose maiden name was Rohan-Chabot, exhibit in the very midst of the eighteenth century the purest morality and, I ought to add, the noblest sentiments, conjoined with the most complete religious scepticism.

² *Ann.* xvi. 5. See, in Appian (*History*, iv. 39, 40), the conjugal devotion of several matrons at the saddest period of the Republic.

politeness and provincial frugality are happily united ;” and before celebrating the exploits of the provincial Agricola, his father-in-law, he paints in a few words his private virtues : “ He married Domitia Decidiana, a lady of illustrious descent, from which connection he derived credit and support in his pursuit of greater things. They lived together in admirable harmony and mutual affection, each giving the preference to the other.” We are not surprised, therefore, to see that Tacitus attributes a change in the morals of the Roman nobility to the advent of provincials to high public functions.¹

On this subject Pliny holds the same views with Tacitus ; the former’s mother was from Hither Spain. “ You know,” he says, “ what the reputation of that province is, and what severity of manners reigns there.” And in speaking of Brixia he says : “ . . . That part of our country which still retains and preserves the ancient inodesty, sobriety, and rustic simplicity. . . .” Again, “ You know also the austere manners of the Paduans.”² Listen to Martial even, the Spanish poet to whom Rome had seemed the only place worth living in, because there ready verse-making opened the gates of the great. Feeling old age creeping on, and his scanty poetic vein drying up, this frequenter of the Palatine and Esquiline became rustic. He now celebrates the simple, frugal life of the country. “ Here, I must nourish my land ; there, my land will nourish me.” And he would like to leave the banks of the Tiber, where “ even hunger is expensive, where you wear out four togas in a summer, while in the country one lasts four seasons.”³ He regrets the house of his birth, where the table was covered with the rich spoils of the paternal fields, which would make him so rich with so little, and he finally returns thither.

Unhappily Tacitus did not think of painting this provincial life, because quiet prosperity does not supply those gloomy or glittering colors which the great artist preferred. Yet athwart his narratives and those of his contemporaries amiable and honest faces look out upon us from the background, and Pliny’s correspondence admits us to the best company. Ideas in this society, like those of the man

¹ *Ann.* iii. 55 ; *Agric.* 4. Cf. *Pliny, Epist.* i. 14 ; *Agric.* 6.

² *Martial (Epigr.* xi. 16) confirms this reputation of the Paduans.

³ *Ibid.* x. 96. He passed at least thirty-four years at Rome (*ibid.* 103).

who introduces us to it, are, it is true, not very elevated; but the most worthy sentiments prevail there, and we meet none but men with whom we should willingly live. First of all Pliny himself. It is easy to criticise the governor of Bithynia, the writer who thought himself the rival of Cicero and Demosthenes as he balanced his empty periods, the orator who, measuring eloquence by the clepsydra, is very proud of having spoken seven hours at a stretch; but if Pliny is not a great man, he is most certainly a very courteous one, always ready to give his money or his advice, loving what is good, decent in manners, and anxious to do nothing and say nothing unworthy of himself and of his consular toga.

Who are his friends? Tacitus, a very thoughtful personage, who must needs have had the virtues which he expected from others; Quintilian, whom Pliny aids in giving a dowry to his daughter, and whose great work is as much a book on education as on rhetoric; Suetonius, whom the governor often entertained,¹ and whose tastes, like his fortune, were very moderate, if we may form an opinion from the property he wanted to acquire. "This estate tempts my dear Suetonius in more respects than one,—its nearness to Rome, the convenience of the roads, the small extent of the buildings and of the land, which divert but do not take up much time. Learned men like him need an avenue to walk in, a vine of which they can know every branch, and some shrubs, the reckoning up of which will not be difficult or long." These are men of letters who do not run after wealth, who show mutual affection, and whose lives were such that history lays to their charge nothing to diminish the esteem which they bestow on one another.

Do we want a philosopher? Euphrates is unknown to us, and possibly we have no occasion to regret the loss of his works; let us at least preserve the portrait which Pliny draws of this moralist,—amiable, serious, but not morose, wise without pride, who, most unlike those brawling, long-haired philosophers whom Lucian will presently criticise, makes war against vice, not men, and leads back to virtue by mildness, in place of repulsing by insult. But for the moment let us look at him at home. "His sanctity of life is remarkable, and so is his affability. Three children

¹ . . . *Probissimum, honestissimum, eruditissimum virum et mores ejus sequuntur et studia* . . . (Pliny, *Epist.* x. 96).

compose his family, two of them sons whom he has brought up with the utmost care. His father-in-law is Pompeius Julianus, a man of great mark as well in the general course of his life as, above all, in this one particular, — himself a magnate of his province, with a choice of many brilliant matches he chose for his son-in-law one who was a magnate, not in rank but in wisdom.”¹

From literary men let us pass to men of the world, and we shall find some marked forms of character. Corellius Rufus² had all that could make life enjoyable, — a good conscience, the highest reputation, a wife, a daughter whom he loved, and sincere friends. He had prolonged his existence to nearly seventy by the purity of his life: and when an incurable disease made him a burden to others as well as himself, he resolved to put an end to his sufferings. In vain was he besought to give up the fatal determination. “I have made my decision,” he said, and he allowed himself to die of hunger. Titius Aristo did the same as Rufus. “I am distressed,” writes Pliny, “by the long and persistent illness of Titius Aristo, the object of my especial admiration and regard. . . . To me he is a treasury of knowledge. How weighty are his observations, and how modest and becoming his caution! . . . Add to this his abstemiousness at table and the sobriety of his attire. His very chamber and his couch always seem to me when I look at them to present an image of antique simplicity. . . . He lately summoned me and a few others of his most intimate friends and begged us to consult the doctors as to the issue of his illness, so that if it were incapable of yielding to treatment he might withdraw from life by his own act; if, however, it should be merely obstinate and protracted, he might fight against it and remain.”³ These men, who tranquilly balanced life and death, became their own judges, and passed the fatal sentence upon themselves, are most unlike Martial’s debauchees or the knaves of Petronius, and could not have lived as they. Add Thrascas, Helvidius, the elder Pliny, Agricola, Verginius Rufus, who declined the Empire, Cornutus Tertullus, a man every way worthy of it, Pegasus, “the very religious interpreter of the laws,” Trebonius Rufinus.

¹ *Epist.* i. 10.

² *Ibid.* i. 12.

³ *Epist.* i. 22. One of Domitian’s friends, Festus (Martial, *Epigr.* i. 79), a celebrated juriconsult, Caninius Rebilus (Tac., *Ann.* xiii. 39), did the same.

duumvir at Vienna, who suppressed the games in that city. Junius Mauricius, who proposed that they should be suppressed at Rome and a crowd of others whose virtues have remained in obscurity like the devotion of the soldiers who lived and died unnoticed on the frontiers in the discharge of their duty.

Pliny knew well the will-hunters, and relates the misadventures of one of them, Aquilius Regulus, the most celebrated of the profession, who, having obtained sixty million sesterce, expected to double the sum.¹ But his letters prove that there were also people capable of refusing estates left them by will, and of accepting onerous legacies, and executing, to their own loss, codicils which were not obligatory.² Hadrian, Antoninus Marcus Amelius, had set an example of the greatest simplicity of life; it was a tradition in this humbly born family. The biographer of Antoninus says of this Emperor's father that he was upright and pure (*integerrimus et castus*), and of his maternal grandfather that he had been irreproachable (*homo sanctus*).

Where did Juvenal find the women who pose in his gallery of wantons? Just where they still are found,—near theatres and dens, in the Tuscan quarter, where, as Plautus had already said, “those are to be met with who sell themselves,”³ — “where the vile crowd collects,” adds even Horace, who was not very severe.⁴ Yet Rome had seen different morals, even in that imperial palace so disgraced in the time of Caligula and Claudius, Nero and Domitian. Under Augustus, Livia, indulgent towards her husband, but severe towards herself, and Octavia, whose renowned chastity not a breath of suspicion ever touched; under Tiberius, Antonia and Agrippina, worthy objects of public respect; under Trajan, Plotina, whose virtue was a strength for her husband; and if I do not place the two Faustinas on this list of honor, it is from a complaisance which history ought not to exhibit for accusations probably calumnious. When Seneca, who was born at Cordova, shows us his mother as having been “brought up in a strict home,” and his aunt during the sixteen years that her husband governed Egypt

¹ *Epist.* ii. 20. This Regulus had property in Umbria, Etruria, and the Roman Campagna, —another proof of the divisions of properties (*Martial, Epigr.* i. 12, 82; vii. 31).

² See also in Tacitus, Rubellius Plautus (*Ann.* xiv. 22).

³ *Cureul.* IV. i. 478.

⁴ *Sat.* I. iii. 229.

as being "unknown in the province," we may believe that his filial affection sought a resemblance between the women of his family and those of old days.¹ But he knew others who recall ancient manners. — Marcia, for example.² And how many do we find in Pliny and Tacitus who, after having been, as Atticus Herodes says of his wife, "the light of the house."³ will forever continue an honor to their sex, as Antistia and Servilia, who, unable to save their father, die with him, and that Pomponia Graecina, a woman of illustrious birth, whose life remains a sad and touching mystery. United in close friendship with Julia, daughter of Drusus, whom Messalina forced to kill herself, she wore mourning for forty years, and was never seen to smile. Did this distaste for Roman life and its dangerous honors predispose her to receive the new faith? She was at least accused of yielding to foreign superstitions. Doubtless in order to save her, her husband, Plautius, the conqueror of Britain, claimed the right to judge her himself in the presence of his nearest relatives, according to the ancient forms of domestic government. This tribunal declared her innocent; and as the occurrence took place in the better years of Nero,⁴ the sentence was accepted. But Graecina kept her sadness and probably the secret hope of a life where all the noble feelings of tender and pure hearts could expand.

Arria's husband, Caecina Paetus, and his son were affected with a serious malady; the son died. His mother took such measures respecting the funeral that the father knew nothing of it. Every time she entered his room she gave him news of the sufferer, — he had not slept badly, or perhaps he was recovering his appetite; and when she could no longer restrain her tears she went out for a moment, and then returned with dry eyes and calm face, having left her grief behind her. At a later period her husband, being concerned in the conspiracy of Scribonianus, was captured and taken to Rome. He was put on board ship, and Arria begged the soldiers to allow her to go with him. "You cannot refuse," she said to them, "to a man of consular rank a few slaves to wait on

¹ *Multum erat si per XVI annos illam provinciam probasset; plus est quod ignoravit (Consol. ad Hel. 17).*

² *Mores tuos velut antiquum aliquod exemplar aspici (Consol. ad Marc. 1).*

³ τὸ φῶς τῆς οἰκίας (C. I. G. No. 6,184).

⁴ In the year 57 (Tac., *Ann.* xiii. 32).

him and dress him; I alone will do him these services." As they continued inexorable, she hired a fishing-boat and followed across the Adriatic the vessel in which her husband was conveyed. At Rome she met the wife of Scribonianus, who attempted to speak to her. "How can I listen to you," she said to her, "who have seen your husband killed in your arms, and who are still alive!" Foreseeing the condemnation of Paetus, she determined not to survive him. Thræsea, her son-in-law, begged her to give up this determination. "Is it your wish then," he said to her, "if I should be compelled to die, that your daughter should die with me?" "If she shall have lived as long and united a life with you as I with Paetus, it is my wish," was the reply. Her family watched her carefully, to prevent her fatal design. "You are wasting your time," she said; "you will make me die a more painful death, but it is not in your power to prevent me from dying." Thereupon she dashed her head with such violence against the wall that she fell down as if dead. When she recovered her senses she said to them: "I have already warned you that I should find some way, however hard, to death if you denied me an easy one." We cannot wonder that, to decide her hesitating husband, she struck herself a fatal blow with a poniard; then handed him the weapon, saying: "Paetus, it gives no pain."¹ These are brave women.

Do we desire a simpler affection, a less theatrical devotion? Listen to Pliny: "I was sailing lately on our Lake Larius, when an elderly friend pointed out to me a house one of whose rooms projected above the waves. From that spot, he said, a townswoman of ours threw herself out with her husband. The latter had long been ill, suffering from an incurable ulcer. When she was convinced that he could not recover from his disease, she exhorted him to kill himself, and became his companion in death.—nay, rather his example and leader, for she tied her husband to her and jumped into the lake."² Not even her name is known. Another woman manifests that proud dignity which permits no hesitation on the question of duty. A lady had determined to send a considerable sum of money to a friend of hers who had been banished by Domitian. It was represented to her that this money would inevitably fall into the tyrant's hands. "It is of little consequence," she

¹ Pliny, *Epist.* iii. 6.

² *Ibid.* vi. 24.

said, "if Domitian steal it, but it is of great moment for me to send it."

Paganism also greatly honored what seems to us by no means peculiarly a pagan virtue.—chastity. Ceres, Vesta, whose legend is so pure and beautiful, desired priestesses like themselves; and the most respected persons in Rome were the women consecrated to the two chaste goddesses. Even Apollo had a priestess at Argos who was permitted no other love but the divine.¹ At the festivities the Vestals were seated in the front rank, and the reigning Empress took her place with them.² There is a great space between women such as these and Martial's licentious heroines, or Eppia, the consul's wife who fled to Egypt with a buffoon!

This society also knew women whose hours were not entirely devoted to the *mundus muliebris*. In certain houses literary circles were held, at which great ladies discussed Homer and Vergil, as at the Hôtel de Rambouillet it was the custom to discuss the *Cid* or the latest madrigal. Rome had its *précieuses*, even its *femmes savantes*, and Juvenal and Martial laughed at them before the days of Molière;³ but it had also the charming women, whose witty and refined conversation elevates the minds of their hearers. "Pompeius Saturninus has lately read me some letters which he says are from his wife. I fancied myself listening to Plautus or Terence in prose. Whether they are his wife's, as he affirms, or his own, as he denies them to be, he is entitled to equal credit: in the one case for producing such compositions; in the other for transforming his wife, a mere girl when he married her, into such a learned and finished woman."⁴ Sulpicia, a patrician lady, the wife of a philosopher, and honored by contemporaries for the purity of her life, was a renowned poet. A few lines written by her are still extant,—a vigorous satire against the edict of Domitian exiling the philosophers; but we have lost her poem on conjugal love.⁵ The

¹ Pausanias, *Corinth*. ii. 4.

² Tertullian (*De Monog.* 17) says that even as late as his time when a married woman became a priestess of Ceres she voluntarily separated from her husband.

³ Juvenal, *Sat.* vi. 434–456; Martial, *Epigr.* ii. 90, 9.

⁴ Pliny, *Epist.* i. 15. The house of Statius seems to have been also a very delightful home. Cf. *Silv.* iii. 5.

⁵ Sidonius Apollinaris (ii. *ep.* 10) has given a list of women poets at Rome; Balbilla is known to posterity by her verses scratched on the statue of Memnon.

very mention of Sulpicia's name made Martial look grave: he himself speaks of a young lady, betrothed to his friend Cassius, who had the eloquence of Plato, the austerity of the Porch, and composed verses worthy of a chaste Sappho.¹

This enumeration might be continued at great length, and mention be made of Polla, Lucan's widow, whose inconsolable grief has been painted by Statius;² of Fannia, whose virtues Pliny admired; of the wife of Minicius Maerinus, who lived thirty-nine years with her husband without a cloud rising between them; or of Spurius a man of consular family loaded with years and honors, who lived in the country with his aged wife, each resting on the other's affection, to finish together "the evening of a fair day."³ In Agricola's house we have seen a similar spectacle.⁴ We have but a glimpse allowed us into the house where Persius did himself honor by his manly poetry. What virtues, what delicate tenderness are to be found in and around him!⁵

Let us finish with the portrait which Pliny draws of Calpurnia, his young wife. To please him more, she studied polite literature, learned his books by heart, set his verses to music, and accompanied them on her lyre. "How great is her anxiety when she sees me going to speak in court, and how great her joy when I have spoken! She sets messengers about to report to her what favor and applause I have excited, and what is the result of the trial. Then whenever I recite she sits hard by, separated only from us by a curtain, and catches up with eager ears the praises bestowed on me." Then let that tender letter be read which he addressed to her, and that in which he speaks of marriages not at all resembling the unions which the comic poets describe, since here on both sides the families have care only for honor and virtue. From all that he

¹ vii. 69.

² *Silv.* ii. 7.

³ See two epitaphs in Martial (*Epigr.* x. 63 and 71), and in Statius the poem (v. 1) addressed to Priscilla's inconsolable husband, who, contrary to usage, refused to burn her body, but inclosed it with spices in a marble tomb, where it is said to have been found in 1171. Nigrina, after the example of the famous Agrippina, herself brought from Cappadocia to Rome the ashes of her husband: *Rettulit ossa sinu cari Nigrina mariti* (Martial, *Epigr.* ix. 31). An obscure soldier did the same for his wife.

⁴ Pliny says nearly the same thing of Plotina and Trajan (*Panegy.* 83). See (*Epist.* ii. 11) the picture that he draws of the life of a family.

⁵ Cf. Martha, *Une famille patricienne sous l'empire*, in his book entitled *Les Moralistes*, p. 130.

enables us to see of Roman life, we find that the women had in their families much the same position that they have in our time. They are seen to be surrounded by affection and respect. "What more do you want," he writes to a friend, "since you have now your wife and your son?"

We also possess the correspondence of Fronto. Owing to the indifference of this Numidian, who became a consul, and his trivial taste in literature, his letters furnish nothing of any use for history. Still, with him we again find ourselves in good company. It is an ordinary intellect, held in leading-strings by rhetoric, but an honest heart, loving tenderly all his kindred,—his aged wife, his grandchildren, his brother, and son-in-law. Let us ask nothing more from him than this, and let us place him in our gallery of upright men, along with those noble friends of Hadrian who have been already mentioned,—with that Gavius Maximus, "a man of grave, austere manners," a Roman of the old days," who in the reign of Antoninus held for twenty years, without in any way staining his honor, the formidable post of praetorian prefect.

It will be said, "These men were very few in number." That is possible; Rome in this respect resembles all countries. However, from Cato to Marcus Aurelius, with Thrasea between, we find an uninterrupted succession of noble characters. The moral value of a society is marked by the degree of elevation which its best men attain, and by the level at which the great mass arrive. The former give us the measure of the moral capacity of the people and show us the ideal which is set before them; by means of the latter we understand the facilities or the hindrances which social influences and education—taking this latter word in its broadest acceptation—have placed on the road leading to this ideal. Now Roman Stoicism is one of the noblest creations of the human mind, and the facts set forth in this work prove that Roman society—certain aspects being set aside—had as much merit as many others have which rank themselves far higher in the scale of morality.

These facts, these individuals, belong also to the great families of the times. But let us look below them, as we have looked out-

¹ *Epist.* vii. 5; *Ibid.* i. 14, vi. 26; *Ibid.* v. 18. *Vir severissimus* (Capitolinus, *Ant. Pius*, 8).

side Rome. Let us descend into those humble dwellings, "where are tolerated neither dice and immodest dances, nor adultery and the infamous amusements which the nobles consider fashionable living." Let us enter these poor houses whence issue "the clever men who conduct the law-suits of the ignorant patrician, and the brave youth who hasten to defend the Empire on the Euphrates or the Rhine."¹ In those homes dwelt a middle-class which, then as now, was urged to labor and to economy by a scanty fortune, but of which, unhappily, we have no history. We see clearly that it is this class which ploughs the land and sea, which produces and trades, which by its industry makes the wealth of the Empire, and by its spirit of order the tranquillity of the provinces. But to know anything of its sentiments we are obliged to read the inscriptions on its tombs.

No people has left so many of them: we might say that it is a class of literature peculiar to the Romans. They are often in verse, and assume every style, every form. We find in them philosophy and religion, faith and scepticism, raillery, bitter regrets, and very little hope. Each man relates his life and expresses his feelings. At one time the dead man addresses the passers-by, warns them that they, like him, are but dust and ashes, or he commends to them his tomb and threatens them with a penalty if they do not respect it.² There are even dialogues. Here is one between the family and the Manes: "Be favorable to us," say the kindred; and the Manes reply: "And do you give to those who are here what is due to them; give to Death." Upon which the deceased interrupts and says: "If the dead have anything, it belongs to me; all the rest I have lost."³

But we seek in these inscriptions only certain details of manners. If many of them lie, like a funeral oration, like the tears of an heir or the eulogiums of a successor, some show a real sorrow. You hear a heartrending cry; especially you see, by what they praise, the virtues from which this society constituted the ideal of woman: "Aymona, wife of Marcus, was good and

¹ Juvenal, *Sat.* viii. 39-55.

² "Whosoever shall deposit in this sarcophagus another corpse, shall pay to the colony of Philippi a thousand denarii and two hundred to the informer" (Heuzey, *Mission à Macédoine*, p. 38). There were many others similar.

³ Henzen, No. 6,457.

beautiful, an indefatigable spinner, pious, reserved, chaste, and a good housekeeper.”¹ “She spun wool and looked after the house.”² Possibly the dead woman in reality had not been endowed with these virtues; but as they read these mortuary inscriptions every time they went in and out of the city gates, along the Road of the Tombs, the living learned what was expected of them, and more than one shaped her life accordingly. Here a dead wife is honored for having married only once (*univira*);³ there one who had always shown herself ready to help.⁴ Primus says of his wife: “She was dearer to me than life;”⁵ another: “She never caused me any regret, except by her death;” another: “Her virtues should be written in letters of gold.”⁶ Here we feel distrust of the pompous language. A widow regrets not having preceded her husband to the tomb;⁷ a husband declares solemnly that after having lived eighteen years with his wife, without the least cloud, he will never invite another to replace her at the domestic hearth.⁸ . . . It is not certain that he kept his promise, but it is well that he made it. At Berytus, Rufius Antoninus erects “to the most devout and virtuous of women” a marble statue, “in order that she may serve as an example.”⁹ I prefer these simple words, engraved on the tomb of a freedwoman by the surviving husband in the name of the dead: “I await my husband” (*Virum expecto meum*), and I am pleased to find this inscription in Gaul.¹⁰ Here is another, which surely was sincere: “O holy Manes! I commend my husband to you. Be very indulgent to him, that I may be able to see him

¹ Orelli, No. 4,639.

² *Domum servavit, lanam fecit* (*Id.* No. 4,848); *lanifica, domisela*, etc.

³ Orelli, No. 2,772.

⁴ L. Renier, *Ins. d'Alg.* No. 1,987; *amicitia, caritatis subsecutus*; and this is not an expression in itself only: among the virtues that the elder Seneca recommends seeking in one's wife, he desires that she be able to bear with her husband the ill that may come upon him, and besides that she be charitable, *caritativa* (Hayet, *Orip. du crist.* ii. 231). In a pagan inscription at Kouach, a certain Philomina is styled the “friend of the poor” (Perrot, *op. cit.*, p. 11), as was the freedman of Serranus under Augustus.

⁵ *C. I. L.* vol. i. No. 1,103, and Marini, *Inscr. Alb.* p. 100.

⁶ Or-Henzen, Nos. 4,626, 4,530, 7,385, 7,386.

⁷ *Id.*, No. 7,388.

⁸ Or-Henzen, No. 4,623. On the pompous but sincere grief of Atticus Herodes on the death of his wife, see Vidal-Lablache, *Hérodès Att.* p. 65. The collections of Orelli-Henzen (*Sepulcralia*, Nos. 4,576-4,663 and 7,401-7,414) and of L. Renier (*Inscr. d'Alg.* Nos. 1,766, 1,767, etc.) contain some touching funeral inscriptions.

⁹ De Sauley, *Voy. autour de la mer Morte*, p. 21.

¹⁰ At Narbonne (Orelli, No. 4,662).

in the hours of night.”¹ Servilius Fortunitus must have loved his wife most fondly, since he brought “her remains from the depths of Dacia, across land and sea,” to the foot of Mount Aventinus.² I know well what the elder Pliny, Ovid, Seneca, and so many others, without speaking of Juvenal, say of marriage. All these ill-natured sayings, more or less philosophic, did not prevent Cicero from taking a second wife, nor the younger Pliny and Ovid from marrying three times.

At Rome there has been found on a tomb these words: “On the day when my dearly beloved spouse died I gave thanks to men and gods.” Here we have either a bad wife or a bad husband,—perhaps two ill-disposed persons; but if this epitaph be accepted as genuine, why should not others receive similar credence?³

In those days, as now, it was not uncommon for whole families to go on pleasure-trips, and many long journeys were undertaken to renowned shrines or places of interest. The speaking statue of Memnon, in far distant Egypt, attracted many persons who came to listen to the son of Aurora and who brought to him the greetings (*proskynema*) of their friends or relatives. In the verses which Gemellus cut on the Colossus he says that he is there, “with his dear wife Rufilla and his children.” Another goes there with his sister; Trebulla regrets the absence of her mother; Aponius, that of his wife; N., that of his brothers. On the Pyramids a Roman lady has written: “I have seen them without you, O dearest of brothers! Remembering you, I have shed tears, and I write here my lament.”⁴

Quite a little poem, found on a tomb at Cagliari, recalls the devotion of a new Alcestis, Atilia Pomptilla, who offered herself to the gods to redeem the life of her husband, in danger of death. We do not know how the sacrifice was made, but the husband, “surviving with regret,” attests the miracle while ardently asking that his soul may soon be again united to that of the tenderest of wives.⁵

¹ *Id.*, No. 4,775.

² L. Renier, *Mél d'épigr.* p. 218; *Inscr. d'Alg.* No. 1,169.

³ See in vol. ii. p. 682 of Wilmanns the references to innumerable sepulchral inscriptions, which certainly are not all mendacious.

⁴ Letronne, *Inscr. d'Égypte*, vol. ii. Nos. 361, 365, 368, 378, etc.

⁵ Ἐπευχόμενον διὰ παντός σιγχεύεται ψυχὴ πνεῦμα φιλανθρωπότητι (*Voyage en Sardaigne*, by

It would be appropriate to quote the whole of the funeral eulogium¹ of a noble lady whose husband recounts at length the virtues, the sweetness, the intelligent piety, and the indefatigable devotion which never for a moment failed during forty-one years. By dint of prudence and courage she saved her husband when proscribed by the triumvirs and pursued by the implacable hatred of Lepidus. Then, seeing the union continuing sterile, she spoke of a divorce: "Thou didst offer to give up this house to a fruitful spouse, to seek out a companion for me whose children should become thine. Thou desiredst to leave thy property at my disposal, ready to render me, if I accepted them, the attentions of a sister or an affectionate mother-in-law." Here is a new form of divorce which Martial does not mention. It has been said that the ancients knew no other form of love than the sexual passion; this is still another opinion which must be given up. The mother of Pertinax, unwilling to be separated from her son, at that time only a prefect in the fleet, accompanied him to the cold and foggy coasts of the North Sea, where she died a victim to her maternal love;² and we read of another who left the warm climate of Africa to accompany to Armorica her son, a marine.³ But it would be an insult to human nature to seek for proofs of filial or paternal affection; this exists in all times. I prefer to call attention to the fact that the alimentary tables of Velleia furnish a confirmation of the words of Tacitus respecting the strictness of provincial morals. Out of three hundred children assisted, only two are *spurii*. Did these illegitimate children participate in this charity by special favor? Nothing obliges us to believe this to be the case. But if no more were found among the poor of three districts, must we not admit that, at least in the country, the morals of the contemporaries of Trajan were quite as good as our own?⁴

the Comte la Marmora, 2d part. *Antiquités*). M. le Bas has criticised this inscription, which belongs to the first century A. D. (*ibid.* pp. 570-586), and he cites another of the same kind, the heroine of which, Callieratia, is still less known: "Ἀλκίστis νῆν εἰμὶ θάνατον δ' ἔπειρ' ἀνδρὸς ἐσθλῆν Ζήνωνος. . . ."

¹ *Laudatio funebris*. The woman who is the object of it is Turia, wife of the ex-consul Q. Lucretius Vespillo, of the family of the poet; her death took place in the year 9 or 10 B. C.

² Capitulinus, *Pertin.* 2.

³ L. Renier, *Mel. d'épigr.* p. 255. See the same in the *Inscr. d'Alg.* Nos. 3,864, 3,981.

⁴ The proportion of illegitimate to legitimate children in France is 8.15 to 100, or 7.46 per cent of the whole number of births (*Statistique de la France*). The total of the *spurii* in

These sentiments, these facts, are besides in complete accord with those prescriptions of the law and those precepts of philosophers which place the wife on an equality with the husband. Musonius and Plutarch, with many others, speak in praise of marriage; they desire "numerous families, to give to the state useful citizens, to the world creatures able to comprehend the harmonious wisdom of its laws, to God faithful servants of his temples;" and the public conscience had accepted this teaching.

VII. — IMPROVEMENT IN MORALS.

IN the chapters on the Family and the City we have already shown how morals had improved in this great community, the Empire. Many other facts could be added to this proof. Let us mention some of them. At Fidenæ, the circus fell in, and fifty thousand persons, it is said, were killed or wounded. In telling this sad story Tacitus takes the opportunity to contrast the spectacle of republican Rome nursing the wounded from its great battles with that of imperial Rome relieving the wounded in the circus.¹ Yet he is forced to let us see also the multitude hastening from Rome to rescue the sufferers, the houses of the great which are thrown open to receive them, the physicians who were called in, the aid organized, — in a word, the generous impulse of public compassion to alleviate the distress of the sufferers. We are justly very proud of our national subscriptions to repair the damage done by some public disaster. This custom was habitual in the Empire. Aristeides relates that the catastrophe at Smyrna, which was destroyed by an earthquake, seemed to the whole province of Asia a

Germany is higher. Dion Cassius, on entering upon the consulship, found three thousand charges of adultery. This total will not seem very great for a hundred million men, if it is recollected that the law permitted all comers to stand forth as accusers, and that it even provoked accusations by assuring a reward to the *delator*. French law, on the contrary, authorizes only the complaint of the parties. Moreover, out of the 8,223 demands for separation introduced in France during 1873, there were only 278 based on adultery, the complainant preferring to bring forward in open court other reasons. We see also that the number of unhappy marriages causing public scandal is more considerable among us than in the Empire, which is explained by the existence of divorce at Rome.

¹ Ann. iv. 62.

public calamity. The cities united together in sending, by land and by sea, to the inhabitants who remained amid the ruins of their native city, what they needed. The others were received into adjacent cities, provisions and carts were sent out to meet them, and collections were made everywhere for their assistance.¹ Campania, as we know, acted similarly after the eruption of Vesuvius in 79, and Lyons was not the only provincial city which in Nero's time helped to rebuild Rome.² The historians of that time were not interested in collecting facts like these. Yet enough of them have come down to us to show that the recommendations made to governors of provinces on behalf of the poor were not, in that society, a discordant anomaly.

It has been considered a very touching instance of humanity that the laws of certain barbarous nations make it no crime for a pregnant woman to pick fruit from an orchard while going along the road. The Roman juriconsults, whom we are accustomed to represent with the severe countenance of implacable Justice, do not manifest these delicate traits of consideration: yet to constitute a theft they require the intention of stealing.³ So that expounders of the law in the Middle Ages felt themselves authorized by certain juridical texts to say that a thing taken from necessity was not a thing stolen; and this doctrine was adopted by the Roman Catholic Church.

The furious madman is not as yet regarded by the Romans as a sick person who must be healed if possible; but neither is he what till 1789 he was in France, — a man condemned by Heaven. They did not suffer a child or an insane person who had committed murder to be punished by the law. "The one," say they, "is excused by his ignorance, the other by his misfortune."⁴ In a fit of insanity one Aelius Priscus had killed his mother: Marcus Aurelius wrote to the judge: "He is sufficiently punished by his madness."⁵

According to Catholic discipline, the excommunicated person

¹ . . . *Præmiæ collationem, καὶ πολλὰς φιλανθρωπίας εἰς δόξαν τὴν ἐκάστων γενομένης*, in the *Palinode on Smyrna*, i. 429, Dindorf's edition.

² Tac., *Ann.* xvi. 13.

³ . . . *Furtum sine dolo malo non committitur* (Gaius, *Comm.* iii. 397). Cf. *Digest*, xlvii. 2, 46, sect. 7 and Law 76; and P. Viollet, *Bibl. de l'École des Chartes*, 1873, p. 336.

⁴ *Digest*, xlviii. 8, 12, and Title 9, 9, sect. 2.

⁵ *Digest*, i. 18, 14.

cannot enter the Church, nor can his body be laid in consecrated ground. The Emperor — who was at the same time the sovereign pontiff — allowed the proscribed to leave their place of exile in the Cyclades to go and take part in the religious festivals of the large cities on the Asiatic coast,¹ and he allowed the Christians to bury their dead where it pleased them.²

To conclude, philosophy had destroyed the principle of slavery by developing this truth, — now universally accepted in the Roman world, — that nature makes men equal, and that legal servitude is simply a misfortune.³ All the arguments employed in our days against slavery are to be found in the books of Seneca, Epictetus, and Dion Chrysostom. In the fourteenth century the English insurgents put this question, —

“When Adam dived and Eve span,
Who was then the gentleman?”

Long before them the elder Seneca had said: “Look among the ancestors of a noble, and you will find a man of naught.”⁴ We note the progress made by the new doctrine when we see what the *instrumentum vocale* of Cato had become.⁵ Apart from its vicious principle, Roman slavery considerably resembled modern domestic service, and very often between master and servant there existed more confidence and affection than is seen in our times. What tender friendship Cicero manifested for his slave Tiro, and Pliny for his nurse! Those slaves whose duties kept them habitually with their master formed as it were a part of the family. “As I know the humanity with which you treat your servants,” Pliny writes to Paulinus, “I do not hesitate to confess the indulgence which I show to mine.” Zosimus, “a person of great worth, diligent in service, and well skilled in literature,” having strained his lungs by too vehement an effort of his voice in declamation, had been sent by Pliny into Egypt, whence, after a long absence, he had lately returned. But having again exerted himself, for several days together, beyond

¹ Plutarch, *De Exil.* ii. 604, Didot's edition.

² This liberty, which Signor Rossi mentions repeatedly in his *Roma sotterranea*, has secured the success of his excavations and enabled the Church to recover her martyrs.

³ Seneca, *Epist.* 47.

⁴ *Quemcumque revolvēs nobilem, ad humilitatem pervenies.*

⁵ See above, pp. 1 *et seq.*, the new legislation relative to slaves.

his strength, he was reminded of his former malady by a slight return of his cough and a spitting of blood. "For this reason," writes his master, "I desire to send him to your farm at Forum Julii, having frequently heard you mention the fine air of the place and recommend the milk as very salutary for all disorders of this nature.



AN EGYPTIAN SCENE.¹

. . . I beg you to write to your people to receive him into your house and supply him with all that he needs, which will not be much; for he is so temperate as not only to abstain from delicacies, but even to deny himself the necessities his health requires. I shall furnish him with money sufficient for his journey."² And on another

¹ Mosaic in the Kircher Museum (*Gazette archéol.* 1880, pl. 25)

² v. 19. The same sentiments are found in the letter viii. 1.

occasion he writes: "The illness which has lately carried off several of my domestics has deeply afflicted me.¹ I have, however, two consolations, which, though they are inadequate to so considerable a loss, are still consolations. One is that as I have always very readily set free my slaves, their death does not seem altogether untimely if they lived long enough to receive their freedom; the other, that I have allowed them to make a kind of will, which I observe as religiously as if they were legally entitled to that privilege. I obey their last requests as so many absolute commands, suffering them to dispose of their effects to whom they please; with this restriction only, that they appoint as their heirs some of the household (*familia*), which to people in their station may be regarded as the commonwealth whereof they are members."

At another time we find him writing to his friend Fabatus that he will endeavor to persuade the proconsul Tiro, on the way to his province, to stop at the house of Fabatus, in order to furnish an opportunity, by the presence of a magistrate, for the legal enfranchisement of certain slaves. This is done, and Pliny shortly after writes to congratulate his friend on the event. "I rejoice," he says, "that the arrival of the proconsul was acceptable to you, and that you made use of the opportunity which his presence afforded: for I wish to see our city (*Comum*) improved by every possible means, and particularly by an increase of citizens, since that is the best ornament a city can receive."²

Pliny would not have spoken thus had it not been that he himself and Fabatus and the public generally regarded many of those held in slavery as in every respect suitable to become citizens after they had been properly trained for that rank by the care and wisdom of their masters.

That this opinion was very widely held is also proved by the great number of testamentary manumissions.—a number so very great that it became necessary to limit it by law. The will of Dasumius has been already mentioned, and the provisions made by him for the comfort of his freedmen in their future lives. The language employed is not as noble as that used by Pliny, but the sentiments are the same, and we find them expressed in

¹ viii. 16.

² *Oppidis firmissimum ornamentum*, vii. 32.

other wills which have been recently discovered.¹ Think also of the habitual duties of the freedman,—his patron's confidential man of business, intrusted with all the latter's most secret affairs, carrying out his plans, acting as his agent.

Finally, the public expressions of affection between slaves and their masters and between freedmen and their patrons are so numerous in inscriptions that considerable collections of them have been made, wherein the simplicity of real grief and sincere regard are apparent.²

At what conclusion do we then arrive on the question of the morals of this period? Shall we say that Juvenal represents it falsely, and that Pliny gives us all the truth? Neither statement would be accurate. The latter was a man of integrity, and his friends were men like himself; the former was a poet, who, to attract the attention of a public wearied with sentimentality, gave his muse an angry voice and a scowling look. The truth lies on both sides. Roman society was like all communities which have attained a high degree of wealth and culture: it had scandalous vices and noble virtues; profligates, and men of the highest character; Messalinas, and women who were faithful to their husbands in life and death; mad spendthrifts, and well-ordered families who wisely employed their wealth; humane masters, and those who, had they not been restrained by the new laws, would have treated their servants with all the rigor of the ancient days.

Many writers have passed these domestic virtues by as if unaware of their existence. Some have done so because it pleased them better to follow the poets and story-tellers, however vile

¹ That, for example, of Opimius at Philippi (Henzey, *Mission de Macédoine*, p. 41), constituting his mother heiress, and bequeathing, after her death, to his freedmen and their descendants various pieces of property, on condition that the lands should never leave the family (*familia*) and that the revenues should be used for the support of the freedmen and the keeping up of the tomb. See also the curious will found at Basle, *Annali dell' Instit arch.*, 1864, pp. 200 *et seq.*, and Statius, *Silva*, i. 2; Martial, *Epigr.* i. 102.

² Gruter fills not less than seventy-two pages folio (pp. 930-1002) with a collection of the *affectus servorum et liberorum erga patronos, inter se et in suos* and the *affectus dominorum et patronorum erga servos et liberos*. The prizes for virtue yearly bestowed in France prove the continued existence of these feelings between masters and servants. But any one who is intimately acquainted with the condition of the Roman world at the period of which we write will acknowledge that master and servant, employer and workman, are much less friendly towards one another to-day than they were then.

the places through which these authors led them; others, because it was their determination to exhibit this great Roman community as the sink of the world.

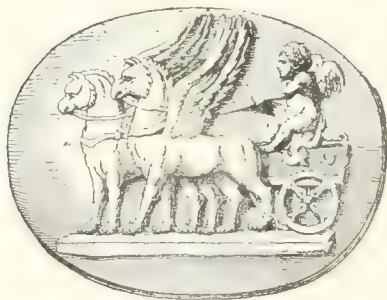
It is quite natural that, having had its mortal enemies as its heirs, this society should have been for fifteen centuries depicted in the darkest hues; and the more for this reason, that with the facilities which despotism gave the Emperor, and slavery and religion gave to all, the ancients showed an indulgence towards vice which very fortunately is unknown among us. What we conceal, they allowed to be seen. Now, to hide one's misconduct is a kind of half virtue, since it proves shame and sets no bad example. Appearances are in our favor, and there can be no doubt indeed that we are sounder at the core. But ought we from this to entertain such pride as to feel nothing but contempt for these men who lived so long ago? We have seen that moral depravity was confined to the few; we cannot, therefore, hold it responsible for the fall of the Empire. Moreover, though we may confess it reluctantly, it is not private morals, if we take the expression in a restricted sense, which save a state or destroy it. When immorality does not go so far as to brutalize the mind, it never has on the exterior life the influence that has been attributed to it. Even in the soul of the profligate there remain forces which can raise him from his degradation. How many such have been seen to act as heroes, how many pleasure-loving men have met death bravely! Let us preserve our respect and homage for those whose lives are irreproachable; but when we seek for the causes of the grandeur or decadence of a people, let us above all study their public morals and their institutions.

Every nation has its share of vices,¹ and everywhere moral monstrosities are found, men born with tendencies towards gross licentiousness or crime, who are, in fact, merely beasts in human form. Of all such the Empire had its large share. What it

¹ See on this subject Bouillier, *Morale et progrès*, in cap. xv. "Religions," says M. Maury, "strengthen the observance of the moral law, but do not guarantee it;" and he shows us that the Middle Ages and modern times have, in spite of the excellence of Christian morality, nearly as many vices as Greek society. He infers, as we have done in regard to Roman society, that it would be unjust to distinguish, in treating of the religious morality of antiquity, between precepts and acts, since this is not done in Christian society (*Hist. des relig. de la Grèce*, iii. 63).

lacked was never justice in its laws, intelligence in men, obedience in families, order in the cities, but character; and it lacked this because in Roman society that which makes the dignity of man, liberty, was absent. Human nature, however, still preserved its rights, appearing in sentiments, even to a certain point in morals; and nowhere in the world then known did men labor more or think more than they did in Rome. When religious hatreds, which in our days are conjoined with political ones, shall be removed, it will be admitted that we owe some gratitude to this imperial Rome, who, next to Greece, has been for the world the mother of all civilized life.

¹ Cameo on a fine agate of two layers. The griffins, sacred to Apollo, perhaps represent poetry. This cameo would in that case symbolize love and poetry, the one being the soul of the other, which it inspires and guides.



CUPID DRIVING TWO GRIFFINS.¹

CHAPTER LXXXVII.

IDEAS.

I.—THE LITERATURE OF THIS PERIOD IS NOT THE REPRESENTATION OF ITS GENERAL LIFE.

THE preceding chapters have shown what ideas the Roman people held in respect to the constitution of the family, of the city, and of the government, and consequently in respect to the rights and duties of the father, the magistrate, and the monarch. These were for the most part old ideas, with which were combined increasingly from day to day, by the mere effect of time and of the development of civilized life, conceptions novel to this severe world of antiquity. The spirit of equity enlarged the narrow formulas of Quiritarian law; the family was organized on a basis of greater liberty; the slave became a person; charity found a place in the administration of the Empire and the cities. good feelings in the habitual intercourse of the citizens; and for the idea of the privileges of common descent was substituted that of human brotherhood. It was the beginning of the greatest revolution the world had as yet seen.

What will its literature now say to us? What was its share in this movement of renovation?

It has been asserted that writers are the faithful representatives of the intellectual state of a people. They reveal indeed those superficial currents which pass through society and sometimes carry it with them, but often exist only upon its surface; they do not always indicate the deep currents by which decisive movements are determined in the heart of the entire mass of the nation. This is especially true in respect to the literature which succeeds that of the Augustan age.

After having had, from Plautus to Lucretius, the roughness, the strength, sometimes the splendor and boldness, of youth; after

having expanded, from Cicero to Ovid, into a serene beauty,—Roman literature was now beginning to grow old. It had lost the charming creative gift which belongs only to privileged periods, and instead of being the expression of the national life, it consisted only of intellectual trifles whereby needy poets sought to furnish amusement to wearied senators. It became a trade which men adopted for a livelihood. Politics, which is the science of realities, being interdicted, men were thrown into the world of unrealities. In everything there was exaggeration: art, which could not be harmonious, became colossal, and grew heavy under its clumsy ornamentation. The poets became bombastic, overloaded their style with words stronger than the idea, and mistaking tinsel for gold, sought after wit, which is only valuable when it comes spontaneously to add grace to strength. While the present had so full a life, this literature took delight in mythological fables; when society was seeking to be purified from the pollution of Nero's time, it took pleasure in stirring up that filth. Accordingly, it is justly punished; at the time when all is prospering it declines.

It is not that men are not versed in all kinds of writing, all methods of style, all rhetorical figures, or that they do not employ them according to the rules of the schools. Like a dramatist who is much more occupied with using the theatrical machinery to advantage than in moving our minds by pity or terror, the writers of those times took the subordinate for the principal. That which should be the beginning of literary life became its aim and end,—a sterile labor, occupying minds destitute of wings with which to soar. We shall therefore pass these writers rapidly in review.

Look at the great poets of the time.—Silius Italicus and Statius. They have, it is true, imagination for details, but they have neither in their souls the creative power, nor in their hearts those intense emotions which give immortality to the poet's work; they are archaeologists writing in verse. Silius, a prudent, cautious senator, who was consul under Nero and perhaps also under Domitian, while continuing something very like a man of integrity, escaped the dangers of those reigns and also the cares of old age, by quietly writing a few lines every day, which finally

made a poem of ten thousand verses, interesting to the historian, but rarely read by the man of poetic taste.

Statius, on the contrary, is an improvisator. He takes care to tell posterity that he composes rapidly, as Pliny liked it to be known that he could plead for hours: "Not one of my *Silvae* cost me more than two days, and some of them much less time than that." He sang the exploits of the Seven Champions before Thebes, — which subject must have been very tiresome to the Romans of his day. Valerius Flaccus goes back still farther, even to the Argonauts, — mythological poems and lifeless, giving a moment's pleasure to idle scholars, but incomprehensible to the people. Martial, who certainly has received too much honor, is not so learned, and belongs more to his time: "My muse," he says, "does not assume the extravagant cloak of the tragic poets. — But everything written in such a style is



AULUS PERSIUS FLACCUS (C).¹

praised, admired, and adored by all." — I admit it. Things in that style are praised, but mine are read."² And unfortunately he had the right to boast of this. Then were read everywhere, even, if we may take his word for it, in virtuous homes, his fifteen hundred epigrams, — small pieces, the longest of which does not exceed

¹ Bust in the Capitol, Philosophers' Room, No. 35.

² *Epigr.* iv. 49. On the poets of this period, the *Poètes de la littérature romaine*, by M. Nisard, will be read with pleasure and profit.

fifty lines. In them are found wit and sometimes simplicity, conciseness, which is the principal merit at which he aims, and the skill to shoot his arrow at the close. But this writer of such short breath certainly does not enhance the value of his third-rate talent by degrading it to all base uses. A mendicant poet, he flatters "the god Domitian" to get a little money out of him, and he leads his scantily dressed muse through the slums of Rome from motives of self-interest quite as much as from taste; he seeks to sell his books, and aims at pleasing the licentious. "My verses are free," he says, "but my life is irreproachable."¹ You are mistaken. Martial; your life is not virtuous, since you trade upon vice.²

Persius declaims with conciseness and obscurity on moral questions; Juvenal, energetically on the vices of Rome; Lucan, with brilliancy on the civil wars. The first had a noble nature, and his work, a sort of catechism of the Stoic doctrine, is full of that philosophy which raised some minds so high and which we shall come upon again and again. He was a man of pure heart and clear intellect; many of his thoughts are grand, and his lines are often beautiful.³ His life was spotless, and he died at the age of twenty-eight; let us honor him:—

"Manibus date lilia plenis."

We find in Lucan dazzling beauties by the side of what is superficial and forced. His verses, written for a few young men who amid the orgies of despotism glowed with emotion before the image of an ideal republic, did not respond to the public sentiment. From the time of the Antonines they were out of fashion.⁴ Lucan looks towards the past; we should therefore question him in vain about the present, still less about the approaching future, did we not find in his verses, saturated with the then prevalent teaching of the Porch, some echoes of his own

¹ It was an echo of Ovid's words, just about as credible: "My muse has been frivolous, but my life has been pure" (*Tristia*, ii. 354).

² He often speaks of his bookseller, gives the latter's address and prices, and seeks to send him customers.

³ The six short satires of Persius contain only 650 verses. According to him and the Stoics, his masters, evil comes from ignorance. Philosophy alone teaches to do the right, and every man can attain this knowledge, *i. e.* wisdom.

⁴ Suetonius (*Life of Lucan*) notes as a forgotten practice that in his childhood Lucan was read in the schools: . . . *Pœmata ejus prælegi memini.*

times. — the idea of the universal city, that of the human race laying down their arms to replace war by a brotherly friendship, even that (which the philosophers do not express) of the fruitful works of peace transforming the face of the world. After describing the great efforts made by Caesar to surround Pompey, he exclaims: "Hands thus many would have been able to unite Sestos and Abydos, and by heaping earth into it to exclude the sea of Phryxus, or to sever Ephyre from the wide realms of Pelops, and to cut short for vessels the circumnavigation of the long Malea, or to change any spot in the world."

When the republican army reaches the oasis of Ammon, Labienus asks Cato to consult the oracle. What need is there, replies the latter, to question it? "All things of true importance we know, and Ammon will not engraft them more deeply. The Divinity stands in need of no voice. At our birth he has told us whatever we may be allowed to know; nor has he chosen barren sand that he may prophesy to a few, and in this dust concealed the truth."¹

This is the God of Epictetus; and at that very time Saint Paul, almost in the same terms, was making known to the Areopagus at Athens the Unknown God.²

Juvenal is considered an authority as to the morals of that period: yet what is the value of his evidence? We are bound to note it, and his life and mode of writing will explain it. The son or pupil of a freedman, he does not seem to have had an easy life. At least he could succeed neither at the bar, since he continued poor, while so many others had grown rich, nor in the army, since he was unable to rise above the rank of sergeant of a cohort, and he declaimed for a long time without further increasing his fortune. Late in life he applied himself to poetry, at an age when the imagination has already cooled, but when there remains enough heat in the blood for anger. By his birth, talent, and poverty, he was like Martial, — a man out of his true

¹ ix. 573. At verse 580 he says: *Jupiter est quodcumque videris, quodcumque contingas* ("Whatever thou dost behold and whatever thou dost touch, that is Jupiter").

² Acts, xvii. 28: . . . ἐν αὐτῷ γὰρ ζῶμεν καὶ κινούμεθα καὶ ἐσμεν ὡς καὶ τὰς τῶν καθ' ἡμᾶς πραγμάτων ἀρίστα. Εἰ γὰρ καὶ γένος ἑστέ. This last clause is a hemistich, which is found in Aratus (*Phœnom.* 5) and in Cleanthes (*Hymn to Jupiter*, 5).

³ He says himself: *Res cœpit . . . hic desinens* (Sat. xi. 129 and 169), and he paints

place in life; but the merry-hearted poet of Bilbilis was a lover of laughter, even in narrow circumstances. Juvenal, on the contrary, one whom natural disposition or circumstances rendered morose, saw and painted everything in black. He does not distinguish shades, and is as angry at a caprice as at a crime. Society, in which he found only a modest place, naturally seemed to him ill-constituted, and he became its implacable judge. — unless, indeed, his great indignation was fictitious and we ought to see in his work, in place of historical pictures, old scholastic theses eloquently put into verse. He himself informs us that before writing he impartially examined all the forms in vogue, and that, from satiety of elegies and *Theseids*, with which his ears were wearied, he decided upon satire because it had been abandoned. But, prudently, he avoids his own times. The men whom he designs to flay with his biting hyperbole are only “those whose ashes are covered by the Latin and Flaminian Ways,” — the companions of Nero, the profligate and art-loving young Emperor, who gave the rein to all vices, and made Rome share in all the follies with which he was himself possessed. Juvenal has written sixteen brilliant and musical satires against women, nobles, hypocrites, etc., — exact portraits perhaps of certain individuals, but assuredly false as a representation of society as a whole. Let us no longer take Juvenal as the true painter of Roman manners, especially those of his own time, — the grand period of the Antonines.

The prose-writers are nearer to real life: but probably they did not exercise upon it any more serious influence, — Seneca alone excepted, of whom we shall speak later.

Petronius, who is half poet, and Apuleius, who might have been one, have written two romances of low life, in which the hideous side of Roman manners is laid bare, but with no more pretension to general truthfulness than is usual in works of this kind. Apuleius, a lofty mind, which has its place in the philo-

poverty as a man who has suffered it (iii. 147). Yet an inscription of Or-Henzen (No. 5,599) makes him *duumvir*, *quinquennial*, and *flamen* at Aquinum. Respecting his life, cf. Teuffel's *Gesch. der röm. Literatur*, p. 728. It is not certain that he was a pleader . . . *Declamavit, et ad magis causam quam quod scilicet se aut fore præpararet* (*Vita Luc.*). The cause of his being exiled to Britain rather than Egypt seems to have been the public recitation by an actor of one of his pieces (*Sid. Apoll.* xi. 267). In other respects only conjectures can be made regarding both his life and his death.

sophical movement of the time, would seem to have made a bet to live a few days in bad company. Happily he comes forth in a manner which is for himself and his reader an escape. Petronius seems also to have abandoned the fashionable world for a while to make the round of houses of ill-fame,—a high-bred man mixing with low company in search of excitement.

These are books which we should not leave upon our tables; good Roman society nevertheless kept them on theirs. Hence we should be disposed to conclude that the latter sought very coarse diversions, did we not know that the best society of Europe in the seventeenth century, like a virtuous woman who can understand many things without being harmed thereby, took pleasure in the perusal of Petronius, just as it was not shocked by the coarse expressions of Molière. We have refined modesty, but possibly we are none the better for it.

The elder Pliny has the curiosity of a scientific man, it was the cause of his death; but he has not the scientific spirit. He is but a collector, heaping together all that he finds, bad as well as good, and disposing facts in his pigeon-holes according to an external resemblance, without selection, without criticism, and without ever uniting them by a philosophic bond. The science of Aristotle, Theophrastus, Hippocrates, and Hipparchus becomes in his hands an often rude empiricism. Of nature and of life he sees but the surface: all in it is to him phenomenal and accidental; nothing is harmonious or under general law. The declamations that he here and there interposes in his immense catalogue were once considered very eloquent, but when seen closely, have very little philosophic character. Yet we owe some gratitude to this friend of Vespasian who, intrusted with public duties, was, like him, irreproachable in the use of power, and who, also like the Emperor, an indefatigable worker, encroached upon his nights in reading, and preserving for us what he had learned. His collection is yet another proof to us of what we should call, in the strange style of the present day, the "realistic" tendency of the Roman mind. This book, made up of the fragments of two thousand volumes that we have lost, is itself one of the most precious fragments left by classic antiquity, and an abundant mine which should be faithfully explored by those who are interested to know

the manners, industries, arts, and daily life of the first century of the Christian era.

His nephew, the younger Pliny, by his Panegyric of Trajan and many of his lost writings, thought himself a rival of Demosthenes and Cicero: it is Fontanes succeeding Mirabeau. Cicero in his letters takes us to Rome and the Senate, to the villas of the great and the provincial governments; he tells us of the intrigues which are forming, the ambitious designs which are in agitation, the events which are making ready, and those which are brought to an issue. The men of whom he speaks are living figures which he draws in ineffaceable lines. In his correspondence the literary man admires the keen intelligence and the clear style, the historian sees society reflected as in a mirror, and the philosopher, in the presence of a man who exhibits his whole inner life, still finds an interesting study. The letters of Pliny, written for the public eye, not under the pressure of events and passion, but for the sole pleasure of writing, lack simplicity and interest. The author poses for the portrait which he wishes to be taken of him. Accordingly, he forgets nothing which can elevate and ennoble his likeness,—a bequest in favor of a city, an act of liberality to a friend, an allowance to some merchants; or what he considers courageous actions: a visit, for example, in the suburbs of Rome to a philosopher driven from the city, and certain words spoken in the Senate; or what he regards as stoical and praiseworthy indifference,—his calmness in the presence of Vesuvius burying the Campanian towns. It is a fault common, no doubt, to all authors of correspondence; but this self-consciousness is not counterbalanced in his letters by an animated picture either of the brilliant court or of a society in labor with a new world. Pliny is very far below the great letter-writers. Without the official correspondence which forms the tenth book, and where he is obliged to write as the governor of a province, his letters would teach us very little. However, they give us glimpses of an honorable and worthy society, of which he himself and Tacitus, his friend, made part,—a society which certainly helped to keep the Empire alive, by saving it from the vagabonds of Petronius and the debauchees of Martial and Juvenal.

Tacitus is quite a different figure: a man of honor like Pliny,

but moreover a great writer, who in certain respects may claim the first place among Latin prose authors. His thought is vigorous, like his style, although its depth is more apparent than real; because, while an incomparable painter and wonderful artist in fine language, he was neither a philosopher nor a statesman. Who can tell us his creed? Though superstitious, he is not sure whether there be beyond the grave a life of rewards and penalties, and he admits fatalism; that is to say, the contradiction of that liberty which he so much loves. The utmost that he can do is to leave to human wisdom the power of choosing in the way marked out by destiny the narrow path in which neither baseness nor peril is found, guiding those who follow it between the resistance which is fatal and the servility which is a disgrace. His religion, if he has any, is gloomy, like his soul. He does not believe in the good-will of the gods, but he does in their anger. After having depicted, at the beginning of his *Histories*, the calamities which the Empire had already suffered, he exclaims: "Never was it established by more terrible calamities on the Roman people, or by more decisive indications, that the gods are not concerned about the protection of the innocent, but the punishment of the guilty."

In politics his ideal is that which Trajan realized. He desires nothing more than a good ruler governing in harmony with the Senate; and the tragic events that he has so admirably related have not taught him that a great empire requires some pledges of security which are entirely independent of men. He does not foresee that the Antonines, preceded by Domitian, will be followed by Commodus; since the Empire, having neither the steadfastness to be found in institutions, nor that which convictions impose, lives from day to day, with nothing to secure the perpetuity of good or to arrest the invasion of evil.

The works of Tacitus belong to those which will always be read. The man in our times who desires to restore to his own language the firmness which it loses by the extemporaneous effusions of the platform and of the press should study this brief, forcible style, rather than the Ciceronian period, unrolling itself in large and sumptuous folds which so easily become loose and feeble in an inexpert hand.

By his character and life Tacitus adorns Latin literature and

that of all time. But when we have drawn attention to his indignation, which often leads him astray, and his pleas for liberty, which he always couches in eloquent vagueness, we have said all respecting his influence on his contemporaries. Yet his works certainly contributed to modify the imperial power and draw the Senate nearer to the Emperor. This service entitles him to the grateful mention of history.

Suetonius must have made an excellent imperial secretary from a literary point of view. But this writer, whose phrases are happy and expressions well-chosen, seems never to have thought. He is a man of small mind and a poor historian. He collects, without verifying them, the facts furnished by archives and contemporary monuments, and disposes them according to an apparent order, which is only chance and confusion. His collection is a valuable mine of materials whence one must draw with discretion, but not a living work. He is wanting in the great art of composition, and quite as much in the philosophy which interprets facts and discovers the truth hidden under contrary appearances. He has the robust faith of the old times in ridiculous miracles, and he is afraid of dreams. We have nothing to ask of him nor of Quintus Curtius, Alexander's too credulous historian, nor of Justin, the abbreviator of Trogus Pompeius; and we already know what must be thought of Fronto, in spite of the friendship of Marcus Aurelius. Columella, Pomponius Mela, and Frontinus have left some valuable remarks on agriculture, geography, tactics, and aqueducts: but their books belong to the class which furnish facts without giving ideas.¹

We may also pass without notice the *Institutions of Oratory*, a work correct and cold, but of very pure taste, in which Quintilian has brought together all the scholastic rules for forming an orator. He knows well enough that no master will ever give the inventiveness which discovers, the logic which enchains, the passion which warms, the tones which wake an echo in men's souls, and that, if art forms rhetoricians, nature, circumstances, and the study of the great models alone make the powerful orator.

¹ The same is the case with Julius Obsequens (*De Prodigijs*), with Censorinus (*De Die natali*), with Aulus Gellius (*Noctes Atticæ*), whose book, he himself tells us, "was written without examination and order," etc.

The skillful rhetorician has at least the merit of recognizing that it is by the touch of genius, and not in the schools, that the flame of genius is kindled.

Accordingly, with the exception of Tacitus [and perhaps Juvenal] all these authors make up a second-rate literature, often affected and full of mannerisms, or taking exaggeration for force, subtilty for simplicity, and in which the creative faculty is wanting.

It is not because the public was little inclined for literature. There existed for it a very strong taste, and this society placed nothing above the pleasures of the mind. Books were loved and sought for, libraries were formed, which at least saved the treasures of ancient literature;¹ and as this taste reached the provinces, it was useful for the spread of books throughout the Empire. There were libraries at Lyons and Autun; we know that Martial's *Epigrams* were circulated in Gaul and Britain, and that Ovid's verses were read everywhere.² There even existed literary societies. Augustus had founded an academy in the imperial palace; Caligula, that of Lyons; and the Museum of Alexandria was always a scientific centre. The son of Agrippina had instituted Neronian games, which Domitian renewed by adding to them the contest of the Capitol (*agon Capitolinus*), in which every five years prizes in poetry, eloquence, and music were competed for.

But this society was too prosperous: the over-rich lands give fruits without flavor, while the perfumes of Arabia grow in arid sands: high art was on the decline. Yet if the rostra were dumb, there was found almost as often in imperial as in republican Rome an occasion for making brilliant speeches,—in the courts and the Senate, in schools of rhetoric, in meetings of all kinds, even in the army, where numerous medals represent Emperors haranguing their soldiers. Lastly, a new and powerful form of eloquence was soon to come into existence,—that of philosophers seeking to attract the multitude by discourses that were really sermons, and that of the clergy of the Christian Church, who by preaching were about to conquer the pagan world.

¹ Larcus Lucinus offered the elder Pliny 400,000 sesterces for his MS. of the *Historia naturalis* (the younger Pliny, *Epist.* iii. 5).

² Seneca, *Controv.* 7.

The press not being in existence, there was more talking than writing. This was a necessity in the condition of the times. Accordingly, education in the schools gave a very high rank to the oratorical art, and it was favored by the government itself. The most ancient chairs founded by the state were for rhetoric, or, as we should call them, professorships of oratory. Quintilian held the first, and the frugal Vespasian endowed it with a stipend of a hundred thousand sesterces. Hadrian, Antoninus, Marcus Aurelius, multiplied these endowments and granted the professors valuable immunities. All the cities of any importance followed this example; it might be said that at no other period has the art of speaking well been more cultivated. The Caesars, the Flavians, were themselves men of learning; the Antonines were lovers of art or philosophers, and no rulers ever did more for the development of intellectual life.

It is true that politics and history were silent, at least under the Caesars and the Flavians; for it was during Trajan's reign that Tacitus wrote his formidable works, and Suetonius, Hadrian's secretary, his biographies, so severe in their vapid impartiality. In the very presence of Nero, Lucan had sung the valor of Pompey, and Horace at the court of Augustus had celebrated the indomitable Cato. As a rule the Emperors allowed their subjects a liberty as regards philosophy and religion¹ which ancient France did not possess. In the latter country religious and political subjects could not be discussed, under pain of the Bastille; in history a prudent reserve was needful, and the boldest philosopher had to restrain and veil his doctrinal audacities. Yet the age of Louis XIV. is our great literary period. In spite of the contrary prejudice, we are therefore forced to admit that the nature of the government exercises very little influence on literature, and causes neither its brilliancy nor its decay. Genius is born where it lists, and there is no human power capable of making a writer when nature does not work to the same end. The most that can be said is that favorable or hostile circumstances either promote or hinder his development. Besides, in every civilized nation there exists

¹ I have explained in Vol. V. pp. 6, 210, 410, 446, etc., the particular motives for the persecution of the Christians, and have shown (pp. 28, 153) that in the case of Thræsea, Helvidius Priscus, etc., not philosophy, but political opposition, was proscribed.

a mass of floating intelligence which, like current coin, sometimes more, sometimes less abundant, serves the daily wants of social life ; and also a certain quantity of intellectual power which is applied to the higher needs of the mind. The latter is the reserved capital used in the large speculations. But the nature of these speculations varies with the time, and works can differ without lowering the intellectual level. After the formation of the Roman Empire the active minds threw themselves into the administration and the army, while the meditative minds studied the means of organizing this immense society according to most equitable laws, or of regulating private life by the best moral precepts.

The same division of the common task has taken place at all periods. Italy in the Renaissance sought and found glory in the plastic arts, France of the seventeenth century in the best forms of literature. Napoleon, who would have made Corneille a prince, created only marshals ; and our time, which promises fortune and honor to literary talents, produces above all chemists, physicists, engineers, and manufacturers. At each of these four periods, by the side of the dominant forms of intellectual activity there are others which languish. So was it during the Empire : in place of adding new names to the poetic constellation of the Augustan age, it formed administrators and juriconsults, architects and philosophers, and excellent ones too. There was therefore at that time a change of manifestation, but not a diminution of intellectual force. Is it not a compensation, in the absence of great poets, to have had men who knew how to give peace and prosperity for two centuries to so many millions ; who framed the justest laws, constituted the best civil life, and taught the purest morality ? Time and the Barbarians have caused the disappearance of almost all the monuments of the Antonine period ; but were the temple of Olympian Zeus still standing on the shore of the Ilissus, Palmyra in the midst of its desert, Baalbec on the slopes of Libanus, and Trajan's Forum, with all the wonders which it contained, at the foot of the Capitol, can we doubt that this period, so rich in magnificent works, in administration, in law, in art, and in moral philosophy, would take its place among the great periods of history ?

Moreover, in estimating the intellectual value of this time it would be unjust not to take count of the authors who used the other great language of the Empire. Greek was understood at Rome; the best society spoke it, and every educated man could read the works written in it, of which the authors were not always men of Greek origin.—as, for example, Marcus Aurelius, Aelian, and the sophist of Arles, Favorinus, in the Antonine period; the African Cornutus as early as Nero's time; and perhaps Germanicus in the age of Augustus. Gauls, Spaniards, and Africans are admitted into Rome's literary Pantheon: why should it be closed against writers of the Oriental provinces, against men of consular rank like Arrian and Dion Cassius? We know well enough that there are no longer any "sons of Romulus," that the Latin blood has been lost in the immense body of the Empire, and that the vigor of the life of this new organism depends on the vitality of the parts which compose it. Who are more truly Roman—that is to say, Roman in the imperial period—than the great juriconsults, Gaius, who is believed to be a Greek, or Papinian, Paulus, and Ulpian, all three of Syrian birth and speaking Cicero's language so well? The influence of Greek works equalled that of Latin. Plutarch taught for a long time on the banks of the Tiber, Epictetus lived there, and Lucian, the Voltaire of the period, declaimed there. The writings of the severe satirist did not certainly lack readers in any province of the Empire, and those of the moralist of Chaeronæa have deservedly continued to our own times valued works on education. How many generations of children, how many great minds, have made these works their favorite reading! Henri Quatre kept Plutarch always at hand, and Montaigne used to say of the book, "It is our breviary." Like Polybius, Appian is more an historian in the modern sense of the word than Livy or Tacitus. Without Pausanias we should know Greece very imperfectly; without Dion Chrysostom, we should be ignorant of the ethical teaching of the time; without Aelius Aristides, the mystic reveries in which men had already begun to take delight would be lost to us.¹

Arrian, a man of action and of thought, a friend of the

¹ His *ἱερὰ λόγια*, or *Sacred Discourses*, contain his conversations with Aesculapius, the recital of his visions, etc.

Antonines, and deservedly so, with one hand kept in check the Barbarians of the Euxine and of the Caucasus, and with the other edited the *Enchiridion* of Epictetus. This work, the object of Pater's admiration and to Saint Barronée a source of edification, gave rise to another, the *Éléments*, which has given Marcus Aurelius his saintly renown. This is a long enough list of illustrious names to justify us in styling this new growth of Greek literature in the time of the Antonines a renaissance.¹

When has the world ever produced greater things in morals? The Church already boasted of her Latin or Greek apologists, — Justin, Irenæus, Tertullian, Minucius Felix;² and while the philosophers were striving by a powerful effort to rejuvenate paganism and raise its morality, her doctors were founding the science of Christian metaphysics.

This period also loved natural science more even than it was loved in the time of Augustus, but without, however, carrying it very far. Horace would have liked to know "what force controls the sea, rules the year, and directs the course of the stars;" but it was only a poet's curiosity. Pliny, Seneca, have the scientist's curiosity: they are not satisfied with looking, they investigate. Seneca, who knows that one can go from Spain to the Indies by rounding Africa, has prophetic views respecting the existence of extensive lands in the West. "The ocean," he says, "will one day reveal its secrets, and Thetis will show new worlds." In his *Natural Questions* he asks if we must consider the heavens a gloomy desert: if, excepting the five planets, whose motions we know, the rest of the stars remain forever stationary in their places.³ He foretells the periodic comets which our age alone has been able to understand, and he had the presentiment that many other truths remained to be discovered. "If we consecrated all our efforts to science, if a temperate youth made this their only study, if fathers made it the text of their lessons, and sons the object of their labors, we should scarcely reach the bottom of that abyss where truth lies hidden which at present our indolent

¹ Other Greek writers of this time are Athenus, Philostratus, Babrius, Maximus of Tyre, the physicians Aretæus, Rufus of Ephesus, and Sextus Empiricus, the wisest of the ancient sceptics, the mathematician Theon of Smyrna, etc.

² Minucius Felix perhaps belongs to the first half of the third century.

³ *Quæst. nat. in præf.*, and vii. 27.

hands seek only on the surface of the ground.”¹ At those moments when he believes in another life, he promises the good that all the secrets of Nature shall there be unveiled to them.²

Two men, Galen and Ptolemy, whose teaching lived through thirteen centuries, down to the Renaissance, are the brilliant

representatives of the scientific spirit of that time. Galen, next to Hippocrates, was the greatest physician of ancient times, by the certainty of his diagnosis, by the importance he attached to anatomy, and, what was a new thing, to experience.³ He dissected apes, and wished to have practical demonstrations verify the teaching given: these were the beginnings, still very uncertain and too quickly arrested, of our experimental method. Some learned men believe that he was very near discovering the circulation of the blood, and that his knowledge of physiology makes him the precursor, almost without intermediaries, of the physiologists of our age.

Let us add, to the honor of

this great mind, that the historians of philosophy give him a conspicuous place among the philosophers of that time. As an astronomer Ptolemy is not equal to Hipparchus;⁵ but if he had



OCEAN PERSONIFIED.⁴

¹ vii. 32, *ad finem*.

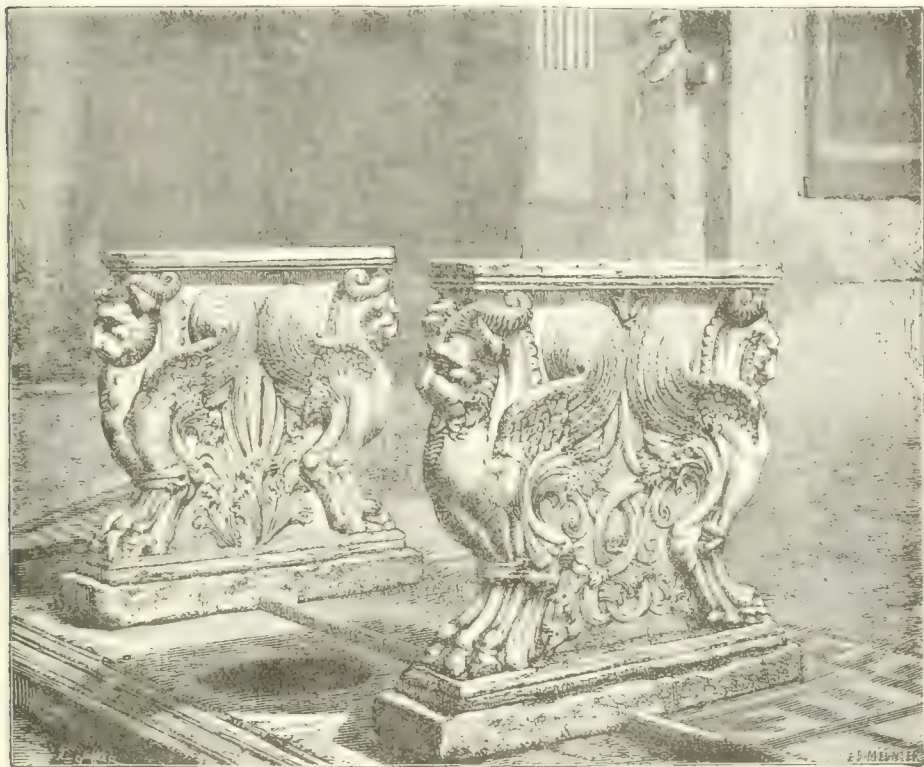
² *Epist.* 102: . . . *Aliquando naturae tibi arcana reteguntur.*

³ He used to say that it is necessary *κρίνειν τῇ πείρᾳ τὰ ἐκ λόγου διδασκόμενα* (*De Medico et philosopho*, edit. Kühn, i. 58). In respect to the dissection of apes, see *De Anat. admin.* iii. 5, vol. ii. p. 385, Kühn. Daremberg says that the influence of Galen endured till the seventeenth century, even to the middle of the eighteenth (*Galien considéré comme philosophe*, p. 1, and *Exposition des connaissances de Galien sur l'anatomie, la physiologie et la pathologie du système nerveux*).

⁴ Bust in the Vatican.

⁵ For the first two centuries of the Empire, M. Henri Martin cites in his history of

not written his *Syntaxis*, it is probable, Delambre asserts, that we should have had neither Kepler nor, consequently, Newton. "I know that I am mortal," a Greek epigram represents him as saying, "and that my career cannot be long; but when in spirit I follow the pathway of the stars, my feet no longer touch the earth, I



MARBLE FEET OR SUPPORTS OF A TABLE FOUND IN THE HOUSE OF CORNELIUS RUFUS AT POMPEII.¹

am seated at the side of Jupiter, and, like the gods, I feed upon celestial ambrosia." Here was the enthusiasm of science.

The *Poliorceticus* of Apollodorus, the architect of the great bridge over the Danube and of Trajan's Forum, and the immense works which were executed throughout the whole Empire, prove that the Romans, without having added anything to the geometry of Archimedes and Euclid, had at least, as intelligent disciples.

Astronomie ancienne some observations from which Ptolemy profited, and a certain number of elementary treatises, but no discovery (*Dict. des Antiq.* p. 502).

¹ Museum of Naples.

perfected the construction of machines.¹ Yet the true scientific spirit was lacking in this society, and for fifteen centuries more

will still be lacking to the human mind. Thus is explained the empire which mysticism acquired over men's minds,—the efforts made, that is to say, to penetrate by imagination and feeling the mysteries of Nature while Science was not yet able to question her closely and compel her to make reply.

By the side of these illustrious men a place must be reserved for the praetors who brought the ancient laws into harmony with the new ideas of justice; for the jurisconsults whose mutilated fragments inspire so profound a respect; for those unknown artists who decorated Rome and the provinces with so much architectural magnificence, the temples and public places with a whole population of statues, the palaces with charming frescos, the private houses with numberless objects of art, furniture,



and vases, whose exquisite elegance is revealed by the fragments found at Herculaneum and Pompeii:³ and all this compels us to

¹ The minute operations of the *gromatici*, or surveyors, were also useful applications of geometry.

² Lamp-bearer in green bronze, found at Pompeii. Museum of Naples.

³ On this question of art at Rome and in the Empire, see Friedländer, iii. 128–270. Very beautiful statues were carved, those of Antinous, for example; but painting was always neglected. Moreover, this is not the place to speak of it. One observation, however, belongs to the subject of this chapter: namely, that even under the Empire the Romans, while showing much love for the arts, yet held artists in small esteem, since the majority of them were of low social position. The architects form an exception. Many Romans practised this art, the

admit that without attaining the serene beauty of the three or four great periods when humanity found the highest expression of its intellectual power, this period was not one of decadence.

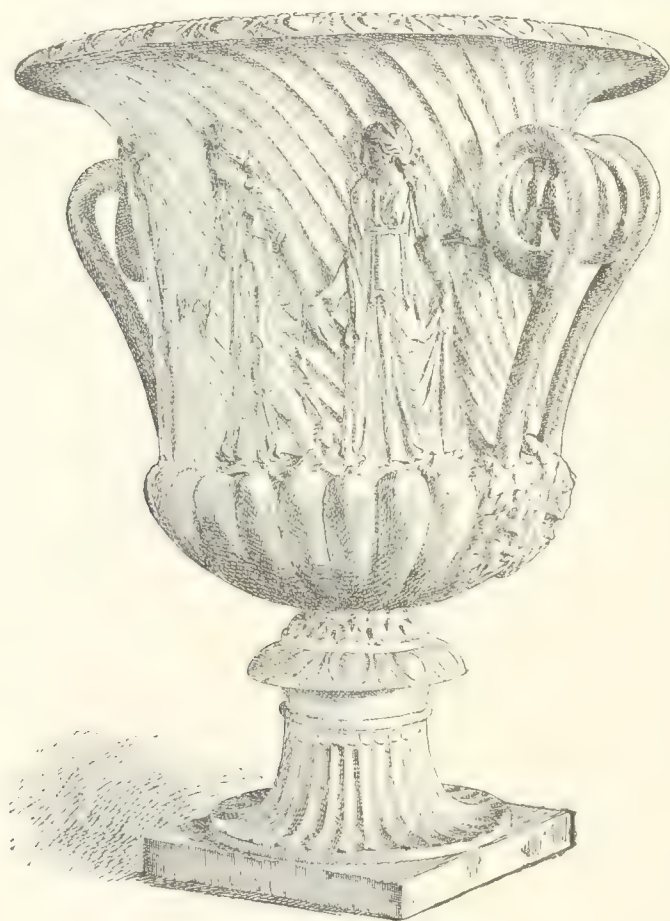
It has some remarkable agreements with our own,—great commerce, much industry, immense public works, an extremely abundant supply of artistic work in verse and prose, in statuary and carving, in temples and villas, but none of those artists whose name History inscribes in her golden book. In addition, gentle manners, a spirit of benevolence, and an official religion,—an object of external respect, as being a means of government; but also dogma shaken by the scepticism of philosophers, the indifference of the learned, and the scoffs of the poets, profoundly modified by foreign importations, and yet sustained by the interested adhesion of statesmen and the touching faith of the lower classes; and lastly, refined natures seeking their way between the proud nihilism of the Stoics and the impure follies of certain creeds, turning aside even into the mysticism which opens to them a road lighted by confused gleams, wherein they believe that they see prodigies and hear words of salvation.

How far are we, with all these things, from the Rome of early times, and how near to a revolution, since society is leaving the paths trodden by twenty generations! Formerly, devotion to the city made the whole of morality, respect for its gods the whole of religion. Now, dignity is no longer centred in consulships and in triumphs, but in virtues; the pride of the philosopher has replaced that of the patrician, and Juvenal¹ demands of the senator, in place of civic merits, a something which the poet calls by a

only one in which they showed originality: and in the second century many sumptuous buildings were erected. I have spoken of Roman architecture at the beginning of the Empire, and I am warranted in not returning to this question by the following words of M. Choisy, in his book on the *Art de bâtir chez les Romains* (p. 178): "From the reign of Augustus the methods of Roman architecture were fixed, and the building art remained, so to speak, stationary at its highest point of perfection for a period of more than three centuries. . . . But by degrees the decoration and the structure became almost independent of one another. Accordingly, they obey, in development and in decadence, different, or even opposite laws. The methods of construction were the same under the Antonines as under the first Cæsars, while architecture was visibly modified during the intervening century. At the end of the third century architecture had fallen very low, while the art of building, still flourishing, produced the *Thermae* which bear the name of Diocletian." This distinction between decorative art, which declines, and the art of building, which lasts, was made for the first time by Raphael. See E. Müntz, *Gazette des beaux-arts*, October, 1880.

¹ viii. 73. The whole of this satire implies contempt for the privileges of birth or race.

name unknown to the Republic, — the *sensus communis*. In presence of so many interests which must be conciliated, of so many nations which must be united, larger views of society had been taken, the mental horizon had extended. And as from amid a multitude of gods the idea of the divine unity was evolved, so from the



MARBLE VASE FROM POMPEII.

heart of this Empire, now become the universal city, was evolved the idea of human brotherhood. One of Trajan's inscriptions says, *Consecratori generis humani*.¹ The philosophers call themselves citizens of the world,² and would willingly remove the barriers between states. "How absurd," exclaims Seneca, "are these boundaries

¹ Orelli, No. 795.

² *Muolans*, or *κοσμοπολίτης*. See a memoir by M. Le Blant on the loosening of the bonds of patriotism (*Comptes rendus de l'Acad. des inscr.*, 1872, p. 373).

marked out by men!"¹ To the ancient law which said: *Hospes hostis* (the stranger is an enemy), the new law replies, The stranger is a brother.²

All this is shown very imperfectly by the literary writers of the time. To know which way society was tending, we must consult other men, study other facts, and set forth, even if in few words, the philosophic and religious movement which was drawing these men into regions hitherto unknown.

II. — EDUCATION, THE JURISCONSULTS, AND THE PHILOSOPHERS.

WHEN men have written the history of Christianity they have considered nothing else involved, and have paid no attention to the great work of renovation which was going on in the bosom of pagan society. Since it is the ideas and morals of a hundred million of men which we are studying in their diverse forms, let us inquire what the contemporaries of Nero and Hadrian believed best for the regulation of life, and how they taught it.

The education of the young was still conducted on the old lines. There were neither state nor clerical schools. Teaching continued absolutely free. The studies were divided, as in our days, into what we call "elementary" and "classical" studies. The former dealt with the poets, the latter with the orators; later came the jurisconsults and philosophers.

At this time there was a great enthusiasm for poetry, or at least verses. Everybody, even Trimalchio, made verses or read them; they were carved even on the tombs. What was a fashion among the public became an obligation in the schools. Men wished their children to be fitted to shine at some future day in recitations or the competitions of the Capitol, to gain wreaths, applause, fame, though but for the moment. If the poet very rarely acquired wealth, there was always a Mæcenas easily to be pleased, and one always got something for a flattering stanza, for an epigram subservient to the

¹ *O quam ridiculi sunt mortalium termini!* (*Quæst. nat. in præf.*)

² This idea, very new in Rome, was very ancient, since it is found in the *Odyssey*: . . . Ἄντ' ἑκαστοῦ κλέος θ' ἰκέτης (viii. 546), it is even older than Homer, for it comes from human nature, which in the savage may be compassionate. The natives of New Caledonia make flower-beds along their paths for the traveller (*Exploration* of the 27th April, 1876).

anger or the vanity of a patron. But poetry is a picture; it is color, form, rhythm: the faculties it calls into play are feeling and imagination, — faculties at once seductive and dangerous, when not restrained and directed by others more severe. In the service of a lofty intellect they make the great poet. For the average mind, this prolonged study of the poets, these repeated exercises in imitation enervate the understanding, attach it to outward show, and make it accept, instead of ideas, the color which dazzles, the musical harmony which surprises, and the form which covers mere emptiness.

In the study of rhetoric, ridiculous subjects were proposed, in order to sharpen the intellect. — such as the eulogiums upon the flea and the parrot with which Dion Chrysostom¹ began, and odd theses taken from unreality or treated in contempt of historic truth. The pupil, transported into the regions of fancy, found himself surrounded by imaginary manners and personages who were mere phantoms. The subjects discussed were impossible catastrophes, scourges let loose by the anger of the gods, the immolation of a victim demanded by the oracle; and the most tragic adventures kept recurring: as a famished city feeding on corpses, a tyrant compelling a son to behead his father, noble maidens delivered up to infamous procurers, bandits in ambush at the edge of every wood, pirates on every shore, fiercely shaking the chains with which they are about to shackle lovers surprised during their nuptial festivities. It is said that Nero, while Rome was in flames, seized his lyre and sang the fall of Troy. The thing is doubtful; but many men would have been capable of such madness.

These exercises, assiduously practised at school, and continued long after in the public declamations, very much perverted the mind; there remained in the life something exaggerated, theatrical, which often passed from words into deeds. The traces of this are found even in the finest characters.

Happily not all the masters were so foolish. If we read the younger Pliny's letter to Corellia,² or the first book of the *Meditations*

¹ Bréquigni, *Vie de Dion*, p. 50. See, in the *Dialogus de Oratoribus* of Tacitus, what Messala says "of idle declamations, without any connection with reality," which employed the youth; and at the beginning of the *Satyricon* these words of Petronius: "Our young people become so stupid on the benches because they neither see nor hear anything of ordinary life."

² *Epist.* iii. 3.

of Marcus Aurelius, we shall see what in the houses of the great was the education of children. We even know, by the fragments of Dositheus, that there were employed in the schools works similar to our treatises on ethics. Human nature is the same at all times. We can therefore be sure that fathers, while yielding to the taste of the time, were not satisfied with these frivolities for their children, and that the instructor, in his explanation of the poets and orators, would call attention to those beautiful sentences, those noble thoughts which always give pleasure, and without which orators and poets would not have survived. Does not even Juvenal, coarse and licentious though he is, demand respect for childhood? Besides, on leaving school the young man found other means of education, — daily life, which placed him again in the strong current of reality; jurisprudence and philosophy, which taught him his duties as a citizen and a man.

What the great juriconsults, who followed uninterruptedly from Hadrian to Alexander Severus, did for the Roman world we have shown already in the course of this History, and particularly in the two chapters on the Family and the City. Their great work consisted especially in substituting a rule of equity for an ancient rule of civil law, allowing the latter to drop into desuetude without any action on the part of the legislator. Therefore their work can be summed up in a few words: —

They broadened, while making it milder, the hard, narrow code of a small agricultural and warlike people, so as to make of the civilized world one community, ruled by just laws dictated by general reason, and no longer by the interest of a class or a city.

They took in hand the cause of the weak. To destroy the inveterate practices of abortion and exposure, they declared that it was “murder to stifle or cast out the newly born infant, to refuse one’s child nourishment, and to reckon on the pity of others when oneself had none.”¹

They gave rights to those who had so long been regarded as incapable of receiving them, — the son, the wife, the mother, all those disinherited by nature, family, and law, the *spurius*, the freed, the slave, and even the insane, whom they sought to protect against himself.

¹ *Necare videtur* (Paulus under the head *De Agnoscendis et alendis liberis*. *Digest*, xlv. 3, 4).

To the child abandoned and picked up by a slave merchant they opened the door of liberty. To him whom adoption or citizenship had separated from his relatives they restored his natural family; and when Hadrian changed, in the case of the *pauci alimentarii*, the age of puberty, in order to render them help for a longer time, the juriconsults justified this change in the common law by "the pious feeling" which had inspired it (*pietatis intuitu*).¹

In administration they made of the city and the corporation, — that city within a city, — civil persons, so that they might receive donations, and they imposed on the governors of provinces the protection of the poor.

In judicature they did not indeed follow the philosophers, who said: "Society defends itself in punishing those who break its laws; it does not take vengeance. Extreme severity of punishments is a useless cruelty, and torture a horrible absurdity." But they introduced the great principle of penal law, which demands the identity of the offender with the one condemned;² they did not admit charges against the absent, "because it is much better to let a guilty man escape than condemn one innocent;"³ and Hadrian forbade resort to torture, unless there was good ground to believe that the truth could by no other means be arrived at.⁴ Ulpian even wrote: ". . . torture, a worthless and perilous thing, which often conceals the truth."⁵

In the finance they sought, eighteen centuries before the French Revolution, equality as regards public charges, and by the mouth of Antoninus they declared that the tax should be proportional to the income.⁶

¹ *Digest*, xxxiv. 14, sect. 1.

² Marcus Aurelius would not let the crime or fault of the father fall on the son (*Digest*, xlviii. 19, 26), though such was the law in France until the year 1789. Thus the natural child (*spurius*), even if born of incest, can become a decurion: *Non enim impedienda est dignitas ejus qui nihil admisit* (*ibid.* 1, 2, 6). Those condemned for a time to the mines, but of free condition before their condemnation, preserved their condition. A woman *puera serca* gave birth to free children (Rescript of Hadrian, *ibid.* xlviii. 19, 28, sect. 6).

³ Expression from a rescript of Trajan (*ibid.* 19, 5).

⁴ *Digest*, xlviii. 18, 1, sect. 1.

⁵ *Etenim res est fragilis et periculosa et quae veritatem fallat* (*ibid.* sect. 23). Torture was abolished in France only towards the end of the eighteenth century: in 1780, the *question préparatoire*, or means of proof, used in the examination of capital charges when the tribunal of the bailli had sanctioned it (Ordonn. of 1780); in 1789, the *question préalable*, inflicted on one condemned to death to obtain the revelation of his accomplices.

⁶ In the *Code*, x. 41, 1.

In the matter of public order, by their counsels they aided the government in substituting, for organized pillage by the revenue-farmers and proconsuls of the Republic, the justice which the imperial legates introduced into their administration.

In fine, it is to them that the eternal honor falls of having created the science of law and taught it to the world.

Doubtless many reserves have to be made on the subject of those codes which have been called "written reason," and of those men who styled themselves "priests of the law." Thus their great monument, the Pandects, is often only a tissue of contradictions, where we perceive the effort made by the jurists to depart from the ancient law, while appearing to retain it. They admitted the common origin of men, yet they kept slavery; they considered that equality proceeds from natural right, and they left society its aristocratic character, with penalties of special severity in the case of the poor. But shall we reproach them for not compelling manners to be modified according to their theories? Law never makes a *tabula rasa* but at the expense of terrible convulsions; and the Romans, who were men both of tradition and progress, did not desire to drive the past out violently from the present. In this they were right.

Was this work of renovation accomplished by virtue of certain philosophic ideas? This has been asserted, and the honor of these reforms has been ascribed to the Stoic philosophy. Doubtless it contributed towards them. But the juriconsults, by the very nature of their work, remained far behind the philosophers, and obeyed less the influence of philosophic teaching than that of the time. Philosophy, in fact, is more often an effect than a cause, and it becomes a cause in its turn, like all human facts, only after having been a consequence. The softening of manners, the progress of public opinion, the life in common during a profound peace, the need which each had of all, consequent on the development of industry and commerce, led the jurists to a new conception of the relations which men ought to have among themselves. These people of humble station whose fraternal feelings we have seen, were not the followers of any school of philosophy, — certainly not of Plato or Aristotle; for on the question of slavery, for example, these powerful minds would have taught them the legitimacy of servitude. As the light is formed of individual rays, so each period has in

politics or religion a general body of thought made up of a number of individual thoughts tending in the same direction. Philosophy, which has often thrown into the world the germ of these new ideas, extends its power by giving them precision, and supplies a formula to those which arise spontaneously from the teaching of life. Then the legislator takes them up, and so a peaceful revolution occurs.

The praetors and jurisconsults of imperial Rome were able to understand these wants and to satisfy them so far as public manners allowed.¹ We shall now see the philosophers, the necessary predecessors of the legists, acting on society by the bold conceptions of men who, having only themselves to consider, could therefore use greater freedom of speech.

The whole of individual morality is embodied in the following precept: to secure one's own self-respect by the firm government of one's passions, under the watchful eye of the inner judge, conscience. The whole of social morality is summed up in these words: to respect the goods, the honor, and the person of others, — negative virtue; but besides, to do unto others what we would that they should do unto us, — positive virtue.

Has philosophy taught this morality?

By preaching to men a law revealed, and consequently of divine authority; original sin, which renders a mediator and redemption necessary; salvation by grace, that is to say, the subordination of the reason to faith; lastly, the hope of a life to come, which makes this life a probation, in which the other is gained or lost, — Christianity has changed the poles of the moral world. The heathen believed above all in this life, and hoped to find a law in themselves. by enlightening their reason and making their conscience sensitive. The end of their efforts was therefore to reach what Satan once offered as a temptation to Adam, — the knowledge of good and evil.

These are two absolutely opposite systems, though they touch at numberless points.² The one has destroyed the other; but the latter

¹ The praetor's work at Rome was much like that performed in England by the Lord Chancellor and the Courts of Equity, — in slowly modifying the civil law.

² M. Ravaisson (*Mém. sur le stoïcisme*, in the *Mém. de l'Acad. des insér.* xxi. p. 81) says: "The Christian is as humble as the Stoic is proud. He expects all from God, who changes the heart; the Stoic expects nothing but from himself." On the difference between the Stoicism of Seneca and Christianity, see Aubertin, *Sénèque et Saint Paul*, pp. 178–393. This book strikes a last blow at the legend touching the relations between the philosopher and the apostle, by showing that the supposed Christianity of Seneca was the legitimate

before it perished made noble efforts to save itself which have long been underrated, and to which we ought to do justice, for they are an honor to human nature and prepared the way for the victors' triumph. How wise was Bossuet in exhibiting the conquests of Rome as the indispensable preliminary to the conquests of Christ! — especially when to the victories of the legions, which had united so many peoples under one political law, we add those of the philosophers, who sought to find for all these multitudes one moral law. The religion of Nature, which, spreading from India to Greece, from Athens to Rome and Western Europe, had so long lulled the Aryan race with its poetic reveries, had lost its empire over the better class of minds, so that, long before the one God of the Semitic people had been made known to the Roman world, a great work had been done in developing out of man's religious consciousness the idea of the Divine unity, in transforming polytheism and replacing its legends, so full of dangerous seductions, by moral teaching.

We have judged with severity Seneca, Nero's minister; and we must again be severe in respect to Seneca the philosopher, because of his contradictions and uncertainties. Nevertheless, while he cannot say what men ought to believe respecting God, providence, the human soul, and the future life, — an uncertainty in which the theologian does not share, but which disturbs the mind of the philosopher, — the latter knows well enough what must be done in the present life.

And first as regards self-improvement.

Tertullian has said of Seneca: "He often belongs to us."¹ In his treatises, in his letters, we find contempt for riches, pain, and death. Life is a penalty to which we must submit: death, a deliverance. We suffer from a corroding ulcer, sin: before all, this must be healed. The beginning of salvation is to acknowledge one's sin, and the healing of the soul is the great work of philosophy.² A man reaches it by the development in himself of the spiritual life and by following the counsels of philosophy. There is but one remedy for the distempers and diseases of the mind, and that is philosophy.

result of the moral theories of Greece. See also Westerburg, *Die Ueberwindung der Sünde durch Seneca Christenreich* (1881), who explains how this legend was formed.

¹ *De Anima*, 20.

² Plutarch says also: "Philosophy alone heals the infirmities and the maladies of the soul" (*De Educ.* chap. x.). And this is not an empty expression, but responds to a real action of the master on the disciples: the expression, besides, is Plato's.

These spiritual solicitudes are shown, in the conduct of life, by the hatred of evil and the love of the good, with some of the extreme refinements and severities of Christianity. The Stoics, even the Epicureans and Cynics, recommended, as does Saint Paul, celibacy:¹ they condemned the lusts of the flesh, honored continence and chastity, and threatened the adulterer with rigors as great as those of the Church.² They held bodily pleasures and pains in perfect contempt, and took delight in abstinences and macerations; it will be remembered that it was necessary to use constraint with Marcus Aurelius when ill to prevent his practising them. "Happiness," said Demonax,³ "belongs only to the free man, and he alone is free who neither fears nor hopes anything."

The Cynics possessed no property of their own, and used to beg in the streets. Others more austere awaited alms, like that Demetrius who had refused from Caligula two hundred thousand sesterces and braved Nero's anger. Seneca, who often sought his conversation, used to say of him: "I do not doubt that Nature raised him up to serve in our age as an example and living reproach."⁴ When I see him naked and lying almost on the straw, it seems to me that truth possesses in him no mere interpreter, but a *witness*." He was a martyr of philosophy.⁵ In the following century Demonax led the same kind of life at Athens, and Lucian, so hard upon the Cynics, pronounced a high eulogium on him. "He lived a sober and irreproachable life, setting an example of prudence and wisdom to all who saw and heard him. His constant employment was to reconcile contending brethren and make peace between man and wife. When the people mutinied and rebelled, he interposed sea-

¹ Epictetus expressly recommends it to the philosopher (*Medit.* iii. 22). In the work of Secundus, in which is reproduced a pretended conversation of this philosopher with the Emperor Hadrian, the dominant thought is the renunciation of goods and pleasures, hatred of woman, contempt of life, the praise of death. Cf. the Memoir of M. Révillout (*Comptes rendus de l'Acad. des inscr.*, 1872, pp. 290 *et seq.*). At Rome the *flamen dialis* could not marry again (Tertull., *De Uxor.* i. 7). There existed a sect of pagan monks, the Massilians (*Comptes rendus, ibid.* p. 264), who remind us of the Essenes and the Jewish therapeutæ.

² Seneca, *Epist.* 44, 12, *Ad Marc.* 2 and 24, *Ad Helv.* 13; Saint Jerome, *Adv. Jovin.* i. 30. One of Plato's laws declared infamous and deprived of his rights as a citizen the man who had committed adultery. Pythagoras, according to Philostratus (*Apoll.* i. 13), thought the same, and the elder Seneca employs almost the words of the Evangelist, *Incesta est etiam sine stupro quæ cupit stuprum* (*Controv.* vi. 8); Epictetus (*Medit.* iii. 7) and Quintilian repeat it: *Tu alienam matronam aliter quam leges permittunt asperxisti* (*Declam.* cexi.).

³ Lucian, *Demon.* 20.

⁴ Seneca, *De Benef.* vii. 8; cf. *ibid.* i. 3, 11.

⁵ *Testis* and *μάρτυς* are synonymous.

sonably, and prevailed on the greater part of them to submit. The Athenians honored him with a magnificent funeral, and long lamented him.”¹

The Cynics were not then all “snarlers.” By their indifference towards things temporal, they had begun that war against sensualism which the Christian anchorites continued. As early as the reign of Tiberius we begin to see young profligates converted by philosophers to the strict practices of asceticism.²

All the precautions for keeping the soul awake and under control had already been discovered: for example, daily prayer and meditation on some chosen subject, or the reading, for edification, of a philosopher’s life: and every evening, self-examination. The Pythagoreans had long practised this powerful means of reformation. Horace speaks of it; Seneca insists on it: “Let us examine, watch, observe, and inspect our hearts, for we ourselves are our own greatest flatterers. We should every night call ourselves to account, — What infirmity have I mastered to-day: what passion opposed: what temptation resisted: what virtue acquired? If every man would but thus look into himself it would be the better for us all.” The *Meditations* of Marcus Aurelius are nothing more than a dialogue with his soul: and the philosophers had so recommended this habit that Epictetus, from raillery, makes us attend at the self-examination of a foolish courtier who at night asks himself if he has employed the day well: if he has done enough base acts: if he ought not to flatter better, lie better, the better to secure his promotion.

It might even be said that they had their commandments, and Epictetus showed them as graven on the conscience.— a more lasting book than a table of stone or brass, if all men could read them there and conform to their precepts. “Jupiter gave thee his orders when he sent thee here: Not to covet others’ goods, to love fidelity, modesty, justice, humanity. Follow these commandments: thou needest nothing else: thy conscience will truly be the

¹ *Dionon*, *passim*.

² Seneca, *Epist.* 108 and 109. On the moral character of pagan philosophy in the first centuries of the Empire, see two excellent works: *Le Christianisme et ses origines*, by M. Havet, and *Les Mandates sous l'empire romain*, by M. Martha. Two other works, — *Histoire des Vénètes et des idées morales dans l'antiquité* by M. Denis, and the thesis of M. Aubertin on *Séneque et Saint Paul*, — have also shown the moral and religious value of the pagan philosophy at that period. [We may add to this list Mr. Pater’s *Marius the Epicurean* (London, 1885), a very thoughtful as well as picturesque book. — Ed.]

temple into which God himself has come." "What is it to be united to God?" asks Epictetus elsewhere. "It is to desire what he desires, to avoid doing what he does not wish. How is this to be reached? By well understanding his commandments." Seneca says: "Deep repentance almost restores innocence;" and Juvenal: "The sin which you desire to commit is a sin committed." These are Christian expressions. The Stoics even believed in the inheritable character of wrong-doing, in the punishment of the crime falling upon an innocent descendant, —

"Delicta majorum immeritus lues."¹

Fortunately, the juriconsults did not apply this rule. Nevertheless, this morality was that of the Pentateuch, "visiting the iniquities of the fathers upon the children unto the third and fourth generation;" and it may be that such a rule would still be the best, since it would establish a bond of close joint responsibility between the generations.

In social morals Plato and Aristotle had committed two great errors, — they accepted the despotism of the state and slavery.² Rome kept both, but with most important modifications. The state had become so great that the Roman citizen was lost in it, and the man was found again, with the sentiment of human dignity superior to all positive law, and that of true liberty in submission to the universal reason. Then, above the city, which still kept its members in close thralldom, there was formed a moral city, in which we shall presently see that many dwelt in spirit and in truth.

As regards slavery, the finest expressions touching the common origin of men are in Seneca's works and the discourses of Dion Chrysostom. In their minds also virtue "is not interdicted to any one; all are called to it, whether free, freedmen, or slaves . . . we all have the same father. — Heaven:" and Dionysius Cato writes: "When you buy a slave remember he is a man."³

¹ Hor., *Sat.* i. 4; Seneca, *De Ira*, iii. 26; Havet, *op. cit.* ii. 274; Denis, ii. 64 and 248; Epictet., *Disc.* i. 25; iii. 8 and *passim*; iv. 1: 6 *ad pñ*; Hor., *Carm.* III. vi. 1. Elsewhere (*ibid.* l. xxviii. 39, 31) Horace says again: "Are you not afraid to leave him to atone?"

² Janet, *Histoire de la science polit. dans ses rapports avec la morale*, p. 256.

³ *Unus omnium parens noster est* (*De Benef.* iii. 10, 28; Dionysius Cato, in the *De moribus ad filium*, iv. 44). By its doctrine of equality and responsibility before God, Christianity made masters juster and milder; but in teaching that this life was only a probation, during which we ought to accept our condition, it tended to perpetuate slavery, and actually had that effect.

We have seen charity exhibited in municipal life, in the practice of the government, and in the sentiments expressed in sepulchral inscriptions; let us see it also in the theses of the doctors: "It is not sufficient to be just, one must also be benevolent even towards slaves, even towards one's enemy; you must love him who strikes you."

Listen to this really Christian utterance: "The unfortunate is hallowed;¹ he wears the sacred livery of distress."² "It is a small thing not to do harm to others. Is it very great praise of a man to say that he is kind to his fellow-man? Is there any need to repeat that we should aid the shipwrecked, show the way to the wanderer, share our bread with the hungry? What is the use of so much talk when a word suffices to teach our whole duty, — we are members of the same body, members of God?" Juvenal's harsh voice softens in speaking of a friend's afflictions, and the tears come to his eyes on meeting the coffin of the maiden carried off in her prime, at sight of the tomb in which the little child lies under the cold dark earth. He asks himself what separates us from the beasts, and replies: "It is that the good man does not regard the misfortunes of others as being matters of indifference to him."

"What sect," Seneca again said, when speaking of the new Stoicism, "what sect is more friendly to man, more solicitous for the common weal?" And Montesquieu thinks as Seneca does.

The first principle of public morality is obedience to the law; no one has spoken of this in more magnificent terms than these philosophers, who have been called rebels against the imperial authority. Some doubtless did conspire, and many of them, like a multitude of others, detested tyranny. Under Vespasian and Domitian we have seen some philosophers driven from Rome or even put to death. This was not persecution of philosophic liberty, but an affair of public order respecting malecontents who were wrongly believed to be dangerous.

¹ Seneca, *Epigr.* iv. 9: *Res est sacra miser*. We can note the progress made by the idea of charity, from Plato to Seneca, by comparing this passage with that in the *Republic*, ii. 28, in which the head of the Academy shows himself without pity for him whose misfortune was a punishment of vice or crime.

² *Ad Helviam*, 13. Ovid condemns him, *vilia qui quondam miseris alimenta negaret* (*Trist.* v. 8, 13).

In reality, the preference of the Stoics was in favor of a government by one only.¹ While it was quite natural that Seneca should show his respect for existing authority² and Epictetus his contempt for greatness, let us remember that it was a principle of the sect not to be occupied in public affairs, and one of its doctrines to submit wholly to the law, — doubtless to the law revealed by conscience and reason; but also to that which the force of events had established. It is a definition given by one of them that Justinian has placed at the head of his *Pandects*: “Law is the sovereign mistress of divine and human things, the judge of good and evil, the rule of the just and unjust; it prescribes what ought to be done, it forbids what ought not to be done.”³ These noble words go beyond the idea of ordinary justice. Chrysippus, like Cleanthes,⁴ dreams of “the law common to all beings,” of the Cosmos harmoniously ordered, including God, Nature, and man, all subjected to the law; and this submission was the faith of Marcus Aurelius. Yet the crowned sage had no doubt about his own authority, order on earth seeming to him to form part of the universal order.

The Stoics carried their heads so high only because they believed that they possessed an emanation from the Universal Reason, a spark of the divine Word. “We have our body,” said they, “in common with the animals; but our soul is a particle of the divine soul. We are sons of Jupiter, and a god is within us.”⁵ Saint Paul had expressed the same thought, though reversing its terms: “We are in God;” and it is reproduced by Malebranche as the basis of his whole philosophy.⁶

At bottom, the Stoic school, in spite of the profound differences which separate it from Christianity, makes, as the latter does, the soul predominate over the body; like Christianity, it preached separation from perishable things, and it demanded the practice of the most austere virtues. It was a teaching of renunciation

¹ Cf. p. 194.

² *Epist.* 14; *De Benef.* ii. 20: *Cum optimus status civitatis sub rege justo sit*, and in twenty other places.

³ *Digest*, i. 3, 2.

⁴ Vol. III. p. 273.

⁵ Epictetus constantly returns to this thought: cf. *Dissert.* i. 3, 9, 12; ii. 8. Manilius, in the time of Augustus, said: “*Indubium est habitare deum sub pectore nostro*” (*Astron.* iv. 84).

⁶ *Nunc longe est (Deus) ab unoquoque nostrum; in ipso enim vivimus, movemur et sumus* (*Recherche de la vérité*, lib. iii. illustration 10).

and self-denial (ἀνίχου καὶ ἀπέχου), which, as its ideal, had an immovable serenity, complete self-control, the soul superior to every emotion (ἀταραξία).

But this virile teaching (ἀνδρωδεσπότη), which so ably delineated the theory of human duty, and carried to such a height the sentiment of the dignity of man, exceeded its aim by going beyond Nature. It demanded too many useless sacrifices and not enough useful actions. Man owes to God the development of the intelligence and activity which he has received from the divine hand. Stoicism, adapted to create hermits and martyrs, has done so: it even indirectly prepared men's souls for being martyrs in another cause. But if it had become the law of civil life it would not have formed citizens.¹ While it is an excellent law for the individual and the inner life this disdainful philosophy would have been the worst possible law for society and social relations. Christianity has had institutions which have exhibited the same character and produced the same results. At the same time, while the best doctrines are doubtless those which at once form the man and the citizen, it is always good that a voice, a book, a school, should call us to show contempt for riches, honors, and power, and esteem for the true goods.—those of spirit and conscience.

Happily Nature leads into inconsistency minds in revolt against her, and Society resumes her rights. The Stoics of the imperial period by no means shut up their souls in a proud solitude. They wished to gain the world, and they went to it that they might bring it to themselves. Almost the whole of Seneca's work is a continuous preaching, and Persius exclaims: "From this source

¹ Seneca says (*Epist.* 5): "The end of all philosophy is to teach us to despise life;" and this contempt of life constitutes the whole teaching of Epictetus. We have already shown (Vol. V. pp. 32, 3) that both Epicureanism and Stoicism turned men away from public affairs. The vicious organization of the Empire, rendering possible tyranny such as that of the last days of Tiberius and of the reigns of Caligula, Claudius, and Nero, had given a new force to the teaching which took away interest in active life. Yet if imperial despotism drove some proud minds to take refuge in the calm region of thought, it must be acknowledged that a much more general cause attracted them to it. The direction which minds take depends so little on the form of government that the greatest philosophers of the Middle Ages, of Germany and France, do not belong to periods of liberty. With what a weight did imperial despotism rest on Epictetus, Persius, Plutarch, Dion, Maximus of Tyre, and many others, like that Demetrius who braved two tyrants! Did Richelieu prevent Descartes from writing the *Discours de la Méthode*, and did Frederick II. stop the daring critical philosophy of Kant?

seek, young and old, a definite object for your minds and a provision against an unhappy old age.”¹

We have an account of the instruction given by Epictetus to a young man preparing himself for this apostleship. “Before all,” says the philosopher to his neophyte, “must the future teacher of the human race undertake himself to extinguish his own passions, and say to himself: My own soul is the material at which I must work,

as does the carpenter at wood and the shoemaker at leather.” Thus prepared, he must further know that he is Jupiter’s ambassador to men. He must preach by example, and to the disinherited who lament their lot he must be able to say: “Look at me; like you. I am without country, house, goods, slaves. I lie down on the bare ground; I have neither wife nor child, I have only the earth, heaven, and a cloak.”³ Accord-



THE INFANT HERCULES STRANGLING SERPENTS.²

ingly, for its type of divinity Stoicism had chosen, from among the lords of the old Olympus, Hercules, the destroyer of monsters, the god of strength, but of strength used for a good cause. Changed into a moral hero, the son of a mortal woman and of the father of the gods willingly aids men in destroying the animal nature in us, — passion, selfishness, anger, cruelty. “You carry within you,” Epictetus was accustomed to say, “the Erymanthean boar and the Nemean lion: subdue them.” This imagery was familiar to

¹ *Sat.* v. 64.

² Capitoline Museum.

³ *Martha, op. cit.* p. 202.

the popular preachers; we meet it again in one of Dion's discourses.¹

Thus, Stoicism had in time become an active virtue; it was animated by the spirit of proselytism, and in spreading among the multitude it had necessarily lost some of its false rigor. This current of moral philosophy which reached the depths of so many souls left there a fruitful deposit, a grand principle of honor and saving power,—respect for oneself and others, with that thought which is the religion of superior minds: "I will not violate in my own person the dignity of human nature." For this it has in its turn merited the respect of posterity. "At that time," says Montesquieu, "the sect of the Stoics spread and gained credit in the Empire. It seemed as if human nature had made an effort to produce from itself this admirable sect, which was like plants growing in places which the sun has never seen. The Romans owed to it their best emperors."²

Morality is eternal, but acquaintance with it is not so; so that progress consists less in the discovery of new principles than in the development of natural principles in the minds of a daily increasing multitude. This is the work that philosophy had undertaken, and we shall see in what measure it succeeded.

The morality of the Porch, transformed by the new spirit of the universal city, has been written down and, what is of greater worth, practised by two men, one of whom was perhaps the friend of an emperor, and the other became emperor himself. Marcus Aurelius and Epictetus are the real heroes of the Stoicism of which Seneca was only the elegant preacher, for they both conformed their lives to their teaching. We have spoken at length of the former and his *Meditations*, because it was impossible to separate his moral from his political life; and we know the judgment pronounced by Pascal on the latter, whose book was one of his favorite volumes.³ "This great mind," says Pascal, "is so well acquainted with the duties of men that we should be ready to worship him,

¹ See in Discourse iv., *De regno*, the Libyan Fable, or the monsters of Libya, half-women, half-serpents, slain by Hercules.

² *Grandeur et décadence des Romains*, chap. xvi.

³ Epictetus, who was born in the middle of the first century at Hierapolis, in Phrygia, and died about 117, was, according to Spartianus (*Had.*, 15), the friend of Hadrian. Zeller (vol. iii. pp. 1, 960, note 1), the recent historian of philosophy, is doubtful on this point. We

had he known also his own powerlessness. . . . Since he was but dust and ashes, after having so well understood what one ought to do, see how he loses himself in the presumption of what one can do! He says that God has given to every man the means of discharging all his obligations; that these means are always in our power; that we must seek happiness from what is in our power, since God has given it to us for that end; that we must know how far our freedom extends; that property, life, esteem, are not in our power, and do not therefore lead to God, but that the mind cannot be forced to believe what it knows to be false, nor the will to love what it knows must make it unhappy; that these two powers therefore are free, and that it is by them we are able to make ourselves perfect; that by these powers man can know God perfectly, love him, obey Him, please Him, be cured of all vices, acquire all virtues, make himself holy, and thus become a companion of God.”¹

These principles, which in Pascal's estimation are “a diabolical vain-glory,” were to the pagan mind a gospel, since they taught that man can raise himself by his own strength to the highest degree of moral perfection. The popularity of the *Enchiridion*, therefore, was immense. “Everybody reads it,” said Origen in the third century, and Saint Nilus in the fourth made it the rule of his monks. This was rightly done; for in recommending celibacy to the philosophers, Epictetus prepared the way for monastic celibacy, and his work was the first step in that science of the inner life whose rules Christianity has given in another noble book, the *Imitation of Jesus Christ*, which has been in turn useful and harmful to so many generous minds.

Marcus Aurelius gave moreover another characteristic to this philosophy which was already so pure, — he made it indulgent. He

have no work by Epictetus, but Arrian, his disciple, collected his teaching and has preserved it in the *Dissertations* and the *Enchiridion*, or *Manual*, which summarizes it, — a work full of noble thoughts, sometimes enhanced by the masculine beauty of the style.

¹ Pascal, *Entretien avec M. de Saci*, in his *Pensées de Pascal*, by M. Havet. Saint Ch. Borromeo read assiduously the *Manual* of Epictetus. “The whole philosophy of Epictetus,” says M. Janet (*op. cit.* p. 259), “rests on the distinction between what depends on ourselves and what does not. The actions of the soul, — volition, desire, renunciation, — are in us and belong to us; but good and evil are nothing to us. Hence we should feel a complete indifference towards these latter, which, not being in our power, ought to be to us as if they did not exist.”

placed strength in mildness and found something masculine in kindness. "Love men," said he, "with a real love;" and he reproaches himself for not having yet loved them sufficiently. It was not enough to pardon injuries, "we must love those who harm us. . . . Against ingratitude Nature arms us with gentleness. . . . If you are able, correct them; if not, remember that you possess benevolence in order to practise it towards them, and that in doing good to others you are doing it to yourself."

In the heart of Marcus Aurelius, Stoicism became a law of love; moreover, one might say that, "by him profane philosophy was led to the very confines of Christianity."¹

There are always in the world some souls who take their flight far above human interests. Six centuries earlier, Sâkyamouni had in India shown the same spirit of universal charity,² had uttered similar language respecting kindness and love, and given moral purity as the sole basis of his religion without dogma or theology, like that of Marcus Aurelius, and also like that, unhappily, without effect.

Plutarch did not belong to the Porch; his strongest attachment is to the Academy. But it is of no consequence; the doctrines were then so confused that the founders of the schools would have been unable to recognize their disciples. Plutarch has no system, and the *inania regna* of metaphysic have little attraction for him. His philosophy is restricted, and takes pleasure in the details of practical morality, receiving from any hand what can aid in the regulation of life. History serves him for nothing else; his *Lives* are practical ethics. Pure speculation, destined soon to revive, was for the time checked; but the moment is marked by a manly effort to place humanity in a better way: a grand enterprise, in which Plutarch was one of the most laborious workers. His life was simply a long teaching: orally, so long as he instructed publicly; by his writings, as long as he could write.

"These men have taken a false notion of philosophy," he says;

¹ Martha, *op. cit.* p. 263. Saint Jerome says: "The Stoics are very often in agreement with us" (*Comm. in Iesaiam*, chap. x.).

² The same spirit exists in the ancient Egyptian religion. The supreme virtue demanded of the Egyptians at the last judgment was charity; the ritual employs on this point the same expressions as the Evangelist, — to give bread to the hungry, water to the thirsty, shelter to the homeless, etc. (Chabas, in the *Comptes rendus de l'Acad. des inser.*, 1873, p. 63).

“they make it much like the art of statuary, whose business it is to carve out a lifeless image in the most exact figure and proportions, and then to raise it upon its pedestal, where it is to continue forever. True philosophy is of quite a different nature: it is a spring and principle of motion wherever it comes; it makes men

active and industrious; it sets every wheel and faculty going; it stores our minds with axioms and rules by which to make a sound judgment; it determines the will to the choice of what is honorable and just; and it brings all our faculties to the swiftest prosecution of it.”¹ As Christianity was already doing, he preaches immortality. “Epicurus,” he says, “doth but further cut off all hope of immortality, to compass which (I can scarce refrain from saying) all men and women would be well content to be worried by Cerberus and to carry water into the tub full of holes, so they might but continue in being, and not be exter-



A DANAÏD.²

minated.”³ From Chaeroneia went forth unceasingly counsels, consolations, directions even for public life. “The Egyptians,” he says, “used to exhibit the sick person before his house, in order that the passers-by might point out to him how they had been cured.”

¹ In the treatise: *Cum principibus philosophandum esset*, 1.

² Statue in the Vatican.

³ In the treatise: *Non posse suaviter*, etc., sect. 27.

He thought it right that every one should likewise benefit others by his own experience for the cure of the soul's ills.¹

Thus, in a small town of Boeotia and in the capital of the world, in the Emperor's palace, under the gilded roof of a minister, and in the humble abode of a philosopher, the same thoughts exercised men's minds, here written in Latin, there in Greek, but equally traversing the world. As in every civilized society is found nearly an equal amount of human frailties, it is by the ideal that a people proposes to itself, much more than by individual failures, that we mark the level of a nation's morality. To history personal responsibilities exist. But if this ideal is a lofty one, if it has a virtue that charms and attracts, form your judgment by it in all confidence, even though there be contrary facts. Is it by Torquemada or by the Gospel that Christianity should be judged?

The philosophers placed their ideal high,² and it is plain they desired to lead men to it, since they undertook the duty of carrying on the moral education of Roman society.

Philosophy, like the Church of the present day, had found four means of acting on the world. It furnished families of distinction, with spiritual directors and preceptors. For those who could not afford the luxury of a philosopher in the house, it had spiritual directors who received visits for consultation, and masters who opened schools; for the masses, its missionaries travelled about the country; and on important occasions its preachers of note undertook to edify the court and city. Do not be surprised at these words. Though they have an ecclesiastical sound, what they indicate was much in use in pagan Rome.

¹ Gréard, *De la Morale de Plutarque*, especially sect. 2 of cap. 1.

² M. Denis thus sums up the belief of the philosophers of that time: "To know God and to love him, to place one's liberty in obedience to the laws of the sovereign Master, and this obedience in resignation, self-respect, and in love for men; to attend to the purity of the soul, and daily practise self-examination; to yield oneself, as regards all that does not depend on a man's will, to Providence, and heartily to pray the Father of gods and men to come to the aid of virtue: this is the true worship that the sages paid to the Eternal Reason" (*op. cit.* ii. 248). In cap. xvii. of his *Histoire des religions de la Grèce ancienne*, M. Maury has collected a mass of evidence proving that "all the moral ideas which Christianity has sanctioned were already found more or less developed in the teaching of the poets and of the pagan worship" (vol. iii. p. 62). M. Havet proves the same (*op. cit.* vol. ii. capp. xiv. and xv.). In fact, man invents nothing new in morality, because there are not two human natures: but, with time, principles are more clearly distinguished, and are practised by a larger number. In that alone consists moral progress, and this progress serves to estimate the relative worth of civilizations.

The resident philosopher, "the friend," as an inscription terms him,¹ the *monitor*, the "soul's guardian,"² sometimes also addressed as "my father,"³ was an inmate of all the great houses, and Persius has pointed out in splendid words what moral influence he could there exercise.⁴ In an earlier period, men sometimes read the *Phaedo* on their death-beds, as did Cato of Utica. Now, the *Phaedo* was in the library, but, besides, a man had his counsellor at his side, ready to apply it, in whatever might be the circumstances, — like Canus, whose marvellous peace of mind we have mentioned, and who on the way to execution was accompanied "by his philosopher." Plautus, Thræsea, we find at their last moments dismissing their wives and relations that they might converse with a philosopher on those grave questions which then occupied men's thoughts, as now we call a priest to our bed-side to receive some comfort for the final journey.

Seneca well describes this new character of philosophy which avoids the discussions of the school.⁵ "Truly, this is not the time to be amused with feats of dialectics: philosopher, it is the infirm and wretched who send for thee. Thou oughtest to bring help to the shipwrecked, the captives, the needy, the sick, to those whose head is already under the axe: thou didst promise this. To all those fine discourses which thou canst supply, these afflicted ones answer in one word: Succor us. Towards thee do they stretch forth their hands; from thee they implore assistance respecting a life lost or about to be so; in thee alone are their hopes. They beseech thee to raise them from the abyss in which they are struggling, and to hold up before their wandering feet the wholesome light of truth."

Philosophy even aspired to penetrate into the court. Plutarch urged its claims to do this. "If the sage," he says, "whose

¹ *Q. Aelio Egrilio Ecureto philosopho, amico Salvi Juliani* (Henzen, No. 5,600). This Salvius Julianus, the son of the author of the perpetual Edict, was, according to Borghesi, consul in 175.

² . . . *Sit ergo aliquis custos* (Seneca, *Epist.* 94), and *opus est adjutore . . . coactore* (*ibid.* 52). See all that Aulus Gellius, who is not an enthusiast, relates of the relations of Taurus with his disciples; he had been a witness of them (i. 26; vii. 13; x. 19; xvii. 8; xviii. 10; xx. 4). Epictetus did not spare his disciples any sort of reprimand (*Convers.* i. 16; iii. 1; iv. 2).

³ At least, that is the name given by Seneca to Zeno, Cleanthes, Chrysippus, and by Apuleius to the priest who had initiated him into the mysteries of Isis.

⁴ Persius, *Sat.* v.

⁵ Denis, *op. cit.* ii. 66.

intercourse is confined to individuals, gives them serenity, calm, and sweetness, he who shall put the soul of a prince in the right direction will extend to a whole people the benefit of his philosophy." Long before his time it had been known there. Augustus had "his philosopher," Areus, the confidant of all his thoughts, "of all his soul's movements." When Livia lost her son Drusus, it was of him she asked consolation in her grief.¹ Nero had Seneca — who for some time restrained the young Emperor's evil tendencies — and many others whose disputes Tacitus asserts that he took pleasure in exciting.² Nerva, Hadrian, Antoninus, Marcus Aurelius were surrounded by philosophers who had an official position, were counted among the Emperor's friends (*comites*), and, like them, received a stipend, whence Lucian derives a pretext to accuse them of greediness.³ They were not unlike the almoners of the French kings. It seems that under Trajan the post could not have been very lucrative. However, this Emperor was disposed to listen to the most illustrious of them, Dion Chrysostom. We still possess the discourse which the philosopher addressed to him on the duties of royalty, which Pope Nicholas V. caused to be translated into Latin for his own use.

Many opened schools, in some cases charging fees, in others making their instruction gratuitous.⁴ The former derived a profit from their learning which we regard as legitimate, but which the austere blamed. Nigrinus speaks contemptuously of those who "become philosophers for hire, and sell virtue, as it were, in the public market;" their schools he calls shops and taverns, saying that those who pretended to teach others to despise riches should above all men be themselves free from venality.⁵

Others, after the example of Epictetus and this Nigrinus, one of those rare philosophers who found favor with Lucian, lived in poor dwellings, philosophizing quite alone or with those whom their renown attracted, and who came to submit to them cases of conscience. Aulus Gellius, employed by the praetor to decide in a difficult case, finds himself in great embarrassment: proofs are

¹ Seneca, *Ad Marc.* 4: *Philosopho viri sui*. . . . Seneca represents Areus as saying to Livia that he has known . . . *omnes quæque secretiores animorum vestrorum motus*.

² *Ann.* xiv. 16.

³ *The Parasite*, 52.

⁴ *Vies des anciens orateurs grecs*, by Bréquigni, ii. 140.

⁵ Lucian, *Nigr.* 25.

wanting. Shall he decide according to the well-known morals of the two adversaries? He adjourns the matter and hastens to consult his master, Favorinus.¹

The philosopher was sent for in times of affliction, and Dion complains that men waited until then. "Just as remedies are bought only in a serious illness, so they neglect the philosopher so long as they are not too unhappy. Take the case of a rich man. He has a large income or vast domains, good health, wife and children doing well, credit, authority: this prosperous man feels no desire to listen to a philosopher. But let him lose his fortune or his health, he will then more readily give ear to wise counsels; let now his wife or son or brother be at death's door, oh! then he begs the philosopher to come, he will send for him to obtain some consolation, to learn from him how to support so many misfortunes."²

Lastly, philosophy had its wandering missionaries, who carried it with the eloquence and ardor of the Christian apostolate to all parts of the Empire, equally to small and great, even to women and slaves.³ Often was to be seen appearing in the circus, in the theatre, in public assemblies, a Sophist who demanded silence "in the name of immortal Nature, whose faithful interpreter he was." He was thought to be "a divine messenger," like the Christian preachers whom Bossuet grandly calls "God's ambassadors," and he said to the noisy crowd: "Listen to me! You will not always find a man to come to you with free truth, without concern for glory or money, with no other motive than his solicitude for you, and resolution to bear, if need be, jeers, tumult, and clamor."⁴ It could not have been the gratification of a childish vanity which these popular orators desired. Musonius loved to repeat: "When a philosopher exhorts, warns, advises, and blames, or gives a lesson in morality, if the audience, entranced by the graces of his style, overwhelms him with foolish praise, be sure that all are then wasting their time. I no longer see a philosopher teaching souls,

¹ *Noct. Att.* xiv. 2.

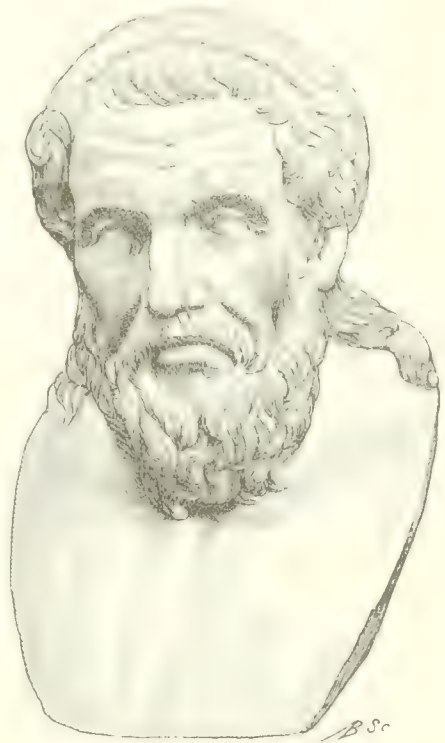
² *Orat.* xxvii. Cf. Martha, *op. cit.* p. 301.

³ *Senserunt hoc stoici qui servis et mulieribus philosophandum esse dicebant* (Lactantius, *Inst. div.* iii. 23). Cf. Martha, p. 294.

⁴ These are the words of Dion (*Orat.* xxxii.), and he was very sincere, for he urged the other philosophers to address themselves to the multitude (εἰς πλῆθος). Cf. Martha, pp. 294 and 304, note 1.

but a flute-player tickling men's ears. . . . When the words are useful and salutary, the audience listens in silence."¹ This is like the severe requirements of Christian preaching.

The most famous of these nomadic preachers were Dion Chrysostom and Apollonius of Tyana. The latter has a bad name at the present time; he has been called the "Don Quixote of philosophy, riding through the world in quest of struggles and adventures."² and Philostratus has strewed his path with miracles which make us smile. But when we set him free from the legendary character with which later generations invested him in order to place him in opposition to the Christian God, he remains a visionary, perhaps, but without question a man who, by his asceticism and morality, approaches closely to Epictetus and Marcus Aurelius. "He went about," says his biographer, "redressing the ill he met with, and everywhere holding wholesome discourse with those who listened to him."⁴



APOLLONIUS OF TYANA.³

Dion, who had at first been only a rhetorician greedy of praise, when once he had become a convert to philosophy, carried his new faith everywhere, even into Trajan's palace, where he spoke with the legitimate pride which was given him by his exile, his laborious life in the midst of the Barbarians, and his constant warfare on behalf of moral truth.

¹ Aulus Gellius, *Noct. Att.* v. 1.

² L'abbé Freppel, *Apol. chrét.* p. 91.

³ Marble bust in the Museum of Naples.

⁴ *Apoll.* iv. 4. Philostratus represents him (iv. 2) seeking to persuade the Ephesians to give up all for philosophy, and a little later narrates his charming parable of the birds who give warning and aid to one another. It reads like a Gospel text.

"Do not fear," he used to say,¹ "that I wish to flatter you. Formerly, when all men believed themselves obliged to lie, I alone had no fear of speaking the truth at the peril of my life; and now that I am permitted to speak freely I should be truly inconsistent did I give up my freedom when it is tolerated! And why lie? To obtain money, praises, glory? But money I have never consented to receive, and my fortune I have given up."

And when we find him placing beneficence in the front rank of the duties of royalty, we remember that Trajan was the founder of an institution of charity, and that the Antonines modified all the laws of the Empire in the interests of humanity. Eighty of Dion's discourses have come down to us, in which are revealed the honorable man, the good citizen, the accomplished orator, and the irreproachable moralist.

A little later than this, Ulpian says of the juriconsults: They are the priests of the law. Seneca had already said of the philosophers: They are the priests of truth,² true prophets,³ truly inspired; and they supported this character so well that Plutarch repeats the expression. Are we justified in thinking that this great labor was useless, that this vigorous effort to lead society into a better way did not at all succeed in doing so? The preaching quietly begun at Rome by Cicero in the name of duty, by Horace in the name of good sense, so brilliantly continued during the Early Empire, from Thræsea to Marcus Aurelius, in the name of the dignity of human nature and its most elevated sentiments, produced the moral reaction which so many facts have shown us. All these Roman sermonizers of the first two centuries certainly effected numerous conversions. At the same time, in the midst of this society confused by so many different religions, the disagreement, always great between doctrines and conduct, continued more conspicuous than it has been at other periods in which one belief and one discipline prevailed.

¹ *Orat. i.* Cf. Martha, p. 303.

² *Antislites* (*Quæst. nat. vii.* 32), and *hæc litteræ . . . infularum loco sunt* (*Epist.* 14, 11). Plutarch felt himself to act in a priestly character as regards those who consulted him, and, not satisfied with regarding the philosopher as a priest, he places him even higher than that, — not without reason, for the pagan priests were never anything but celebrants, who abandoned religious and moral teaching, at first to the poets, later to the philosophers.

³ *De Vita beata*, 27. Galen similarly understood the philosopher's functions. See Daremberg, *Galien considéré comme philosophe*, p. 17.

This singular clergy, as we may call them, without hierarchy or rules, without dogma or theology, went their way at random, according to the inspiration and tastes of each. Many impostors were included in it, finding in this profession the means of living in idleness.¹ There were also visionaries and fools, like that Peregrinus who from vanity mounted a funeral pile at Olympia.² Hence we need not wonder that the philosophers excited the ridicule of Lucian, as the monks did that of Erasmus and Hutten. Tatian, a Christian who became afterwards a teacher of heresy, said of them: "What is there so grand about your philosophers? I see nothing extraordinary in them, except that they let their hair grow long, refrain from cutting their beards, and have nails as long as animals' claws. They announce that they need no one; yet they require a carrier for their wallet, a turner for their staff, a tailor for their cloak, rich men and a good cook for their greediness. This grand philosopher declaims with assurance, insults those who refuse him, and if one has done him wrong he avenges himself."³

The satire, truly, is not malicious, and we admit that there were more follies, even vices, than Tatian points out. Lucian has said much more about them.⁴ But men do not attack what is dead, and philosophy must have been singularly alive at this period to cause the satirist of Samosata so often to take the philosophers to task. Besides, he is the enemy of individual philosophers, but not of philosophy itself. In one of his most entertaining satires he represents Philosophy as coming to complain to her father Jupiter of the treatment she has suffered at the hands of certain persons. "The multitude," she says, "have long held me in the highest esteem and veneration; I have been almost adored by them, although they did not fully understand me. But there are some—what shall I call them?—who take my name upon them, wear the mask of friendship, and pretend to be my intimate acquaintance. These are the men who have used me most cruelly. . . . Their lives are infamous, full of ignorance, impudence, and vice. These are the greatest disgrace to me; by them I have been injured.

¹ Aulus Gellius, ix. 2; Lucian, *Enchiridion*, 8, 9. In this passage Lucian says that the philosophers accepted as official professors received from the Emperor a stipend of 15,000 drachmae.

² *Id.*, *Peregr.*

³ Tillemont, ii. 460

⁴ Especially in the *Leocomanippus*.

and from them. O father, I have fled.”¹ The pitiless scoffer himself affirms the importance of the genuine philosophic teaching, at once popular and elevated, which took the place of that which the priests did not supply. During two centuries philosophy was at Rome, as in France after Louis XIV., the religion of polite society, and the Emperors so thoroughly recognized its utility that they granted official immunities to the philosophers.²

Thus, whether it was that the Romans had spread their organizing spirit among the provincials, or that in the religious anarchy of the times the peoples had sought a fixed point where troubled conscience could rest, it came about that general reason, elaborated in the minds of a few eminent men, had set free from the mass of legends and of metaphysics a system of ethics, rules of conduct, a purely human religion, almost without a God, but not without efficacy. A writer of authority has said: “Philosophy had become so practical, so attentive to the most delicate wants of the soul, so enamoured of inner perfection, that its teaching, in spite of the diversity of dogma, deserves the honor of being compared with the Christian rule of life.”³

The philosophers had, therefore, clearly seen that it was necessary, first of all, to interest themselves in the task of the moral improvement of the individual, and that to make society better, they must begin by making men better.⁴ The whole social reform was to them, as it ought to be to us, a question of education. Their preaching, combined with the efforts made with the same intention by the Flavians and the Antonines, had brought back into many houses that strict virtue to whose restoration Tacitus bears witness, showing us once more an honorable social state where we had expected to see only profligacy and corruption. Humanity was therefore itself seeking its own salvation; and from Socrates to Marcus Aurelius some had found it,—those whose “naturally Christian souls” resembled the wise to whom the tradition of the Church promised the blessed life.⁵

¹ *The Fugitives*, 3 and 12.

² Pliny, *Epist.* x. 66.

³ Martha, *op. cit.* p. 70. On the whole question of the moral philosophy of the period of the Antonines, see also Friedländer, iii. 543-612.

⁴ See *Progrès et morale*, by F. Bouillier, p. 328.

⁵ Cf. l'abbé Gerbet, *Des Doctrines philosophiques sur la certitude*, pp. 37 and 106. A number of Fathers of the Church had declared that the pagan philosophy was a preparation for the Catholic faith.

III. — THE STATE RELIGION.

MAN is a religious being because his reason shows him a law beneath phenomena: in the law, a cause and a consequence, that is to say, a power and a result, — two things which are blended with each other to constitute order: and this supposes an Orderer who has made the properties of matter concur in producing a determinate effect. This concatenation of things even the savage perceives confusedly, but in a way which impresses his mind, and all religions result from this sort of unconscious reflection. *Cœli currant gloriâ Dei* is the involuntary cry of humanity: all the science of the philosophers is contained in these four words.

In the presence of the incomprehensible there was then early awakened an insatiable curiosity, as from death was born the fear of destruction. On the one hand, man desired to know: on the other, he desired to survive. Even when he has not had a clear view of an immortal life, he has yet sought to secure in the struggles of the present the help of divine beings, seeking to gain favor by the worship which he has offered them. The religions have sprung, from the earliest days of the world, from this need, this fear, and this self-interest.¹ The sentiment of the divine, with the hopes it gives of salvation² here on earth or in another life, exists in the depths of human nature, and the vain but noble search into what precedes and what follows this life³

¹ *Præterea in ætæ deos fecit terror* (Statius, *Thebais*, iii. 661). As concerns self-interest we find it in all the invocations, which, from India to Italy, are almost identical. "It is less a question of obtaining the good-will than of enchainning the liberty of the god. The Brahmin who knows the ritual does as he likes with Heaven, and by means of Heaven he is master of the world. The Italiot, without going so far, believes that if he continue faithful to all the sacred prescriptions, the god on his part can also not fail in his duty" (Breal, *Les Tables Eugubines*).

² The word *salus* had especially the meaning of "conservation, prosperity, healing." See the forms of prayer which are found in Cato (*De Re rust.* 141), and a number of inscriptions *pro salute principis*.

³ Strabo, in explaining the origin of religions, says: φιλειδήμων γὰρ ἄνθρωπος (I. ii. 8): and man has been defined a "religious animal."

is the characteristic sign of humanity. Together sorrow and religion began; together they will end.

This great human fact has had two consequences,—one for society, the other for the individual. The religious sentiment, being extremely complex, contains both fear and love, carefulness and carelessness,¹ selfishness and self-surrender, pride and humility. According as one or another of these elements has gained the mastery, the sacerdotal classes have in different countries presented very different characteristics, from the humblest anchorite to the implacable pontiff who rules all in the state and regards his own thoughts as inspirations from on high. On the other hand, the essential element of a religion is the marvellous, since the unknown and the inaccessible form the domain reserved for the gods. Hence it has followed that in all times, even in an entirely scientific age, under all forms, even the strangest, faith in the supernatural has existed. The grave Strabo says: “The poets have not been alone in inventing legends; the magistrates, legislators, have also, in the common interest, spread them among the peoples: the more marvellous they are, the more they are liked. . . . Women and the masses, not being led to piety by philosophy, are induced by superstition; and the latter possesses efficacy only by the fables and miracles which are commingled with it.”² Strabo is wrong; the peoples themselves make their legends, just as they make their language, and the poets, the enthusiasts, the clever believers, serve later on only to arrange them.

Now the philosophers in the time of the Empire who wished to found a religion, those especially of the dominant school, were absolutely destitute of this effective instrument. With its vacant heaven, since its gods were only a blind fatality; with its manly teaching of duty, destitute of other reward than that of a satisfied conscience; with its proud attitude towards destiny, from which it asked nothing;

¹ The Romans lived with their gods as the *lazzaroni* do with their saints. At the *lectisternia* they ate with them; at the games of the circus they brought their statues to take part in the festival. Dion (xlvii. 40) relates that at the time of the battle of Philippi the car of Minerva was broken while the goddess was on the way back from the circus to the Capitol.

² Strabo, *ibid.* Maximus of Tyre says the same thing (*Dissert.* x. 165, edit. Reiske). Plutarch (*Marr. Prec.* 19), following Plato's idea (*Laws*, x. 15), recommends Pollianus not to allow his young wife to introduce into his house minute devotions and strange superstitions. In the dialogue of Minucius Felix, the pagan also reproaches the Christians for abusing the credulity of women.

and in face of the void into which it looked without fear. — Stoicism was made for choice spirits only, and not for the mass. "Two things," says Kant, "fill the human mind with awe, — the starry heavens above, and the moral law within." Of these two things the Stoics looked only at the second, and that, too, in a way peculiar to themselves. Thus this morality without dogma, this philosophy without metaphysics, this reason without the marvellous, which contented itself with requiring of human nature an impossible perfection, had no hold on uncultivated minds, or seemed insufficient to souls tormented by the need of a higher ideal. It is said in the *Epistle to the Hebrews*, "Faith is the evidence of things not seen," and the teaching of Tertullian may be summed up in one profound expression: *Credo quia absurdum*,¹ I believe, although I do not understand. In Stoicism everything was comprehensible; it could not therefore bring the world over: and when it entered upon a struggle with religious teaching which opened the heavens which Aristotle, Epicurus, and Zeno had closed, it was conquered in advance.

Did polytheism preserve at least enough strength to keep that society which it had held during so many centuries and by such powerful ties, or were its marvels worn out by their long use?

Hellenism had for ages cradled infancy with pious stories or terrible legends, charmed the imagination and the senses by ceremonial pomp, and held men's hearts by that poetry of the heavens which so well responds to our instinctive ideal, or subdued minds by the terrors of Erebus. But a time came when the vague pleasures of the Elysian Fields seemed insufficient, and Jupiter's thunderbolts very blind. This great god of the Aryan race was losing his worshippers, and the statues of the other gods stood insecurely like his own within the sacred enclosures. All was silence and solitude around these ancient lords of the world, and the paths to the temples were overgrown with grass. Yet between life and death a religion always traverses an intermediate state, which may last for centuries. Already mortally smitten by doubt, it seemed still to live in men's habitudes. Man with his reason drifts away, or, like the statesman, grants nothing but a formal adhesion. Woman, who is all feeling, remains at the temple with her faith, and keeps

¹ For example, in the *De Carne Christi*, 5: *Pronus credibile est, quia ineptum est: certum est, quia impossibile est*. Just before, he says of himself, *feliciter stultum*.

her child there. In all religions the heart has made women the priestesses of the first and last hours.

That paganism had long been in that state for the learned, and even "for the vulgar," Juvenal is on the point of saying.¹ Not having, like the Jews, a precise creed contained in a book, nor, like Egypt and India, a clergy who preserved and defended it, polytheism had seen the new society, which asked to be taught



SCENES FROM THE ELYSIAN FIELDS.²

something, desert its cold and empty temples, where nothing was taught. Then came the magnificent outburst of the philosophic spirit, which left no way untrodden through which there was hope of attaining the truth, and explored all these paths, let us remember, with the utmost freedom, the Emperor never taking offence at any philosophic audacity. At last, worn out with so many vain researches, this powerful spirit gave up ambitious theories, as it had given up popular beliefs, and sank into a state of doubt. We

¹ *Sat.* xiii. 35.

² On an Italo-Greek vase in the Museum of Munich.

know what was the religion of Lucretius, of Cicero, and of Caesar, and what the Pontifex Maximus Scaevola and Varro thought of the state worship. The elder Pliny is clearly an atheist. In his opinion God, if there be a God, is destiny, or what he calls the power of Nature; and he divides men into two classes,—those who do not take the gods into account at all, and those who form a shameful idea of them.¹ The affecting honors to the dead cannot even move this passionless mind: “Our vanity makes our existence last beyond the tomb; we concede consciousness to departed spirits, and make into a god what has even ceased to be man.”²

Juvenal³ scorns both “the herd of gods” and some of their worshippers. Tacitus hesitates between contrary doctrines; but the younger Pliny does not hesitate, and if his friend had left us letters in place of histories, which demanded conventional language, we should doubtless see in them the same religious indifference. It is a remarkable thing that in the two hundred and forty-seven letters of Pliny⁴ there is not one serious reference to the gods. Religion, considered as a moral influence, had no existence for him. He will indeed buy a statue to decorate a public place in Como; he will rebuild near his domains a ruined sanctuary; he will build a temple at Tifernum to make a show of munificence; but of the government of the world by the gods, of the influence of religion upon life, he is regardless, and he is quite willing to say with Lucan: “To talk of Jupiter’s royalty is to lie: there is no god who shows care for human affairs.”⁵ Pliny believes in literature, in honor, probity, and all the civic virtues, and he leaves the immortals to vegetate on Olympus. He does not discuss them as a philosopher, he does not honor them as a believer. They are for him as if they were not, unless he has some public function to perform, where they make part of the traditional ceremonial. Horace in his *Odes* appears as a zealous pagan: mythological piety is one of the conditions of lyric poetry; but when he thinks for himself his

¹ *Hist. nat.* ii. 5. Varro Atacinus wrote:—

*Marmorco in tumulo Licinus jacet, at Cato parvo,
Pompeius nulla. Quis potest esse deos?*

(Fragment of the *Poetae lat. min.* vol. iv. edit. Lemaire.)

² *Hist. nat.* vii. 56.

³ *Sat.* xiii. 46 and 86.

⁴ Except the tenth book.

⁵ *Mentimur regnare Jovem . . . mortalia nulli sunt curata deo* (*Phars.* vii. 447 *et seq.*).

gods make a sad figure, living in a peaceful indifference as regards men,¹ and without sadness he sees their old sanctuaries crumbling into ruins.²

BACCHUS.³

The author of the *Ars Amoris* undertook, in a time of penitence, to write the *Fasti*; yet he could not refrain from laughing at the devotees who, with a few drops of lustral water,

¹ *Sat. I. v.* 101-103. Long before him Plautus had said: "They relate their misfortunes to the Night, the Day, the Sun, the Moon, who, I believe, do not at all concern themselves about human griefs, our vows and our fears." (*Mercator*, Prolog.)

² *Templa ruunt antiqua deum* (*Sat. ii. 2, v.* 104).

³ From a painting at Pompeii recently discovered. The *Gazette archéologique* of 1880 has published it in colors, and added a learned dissertation.

"believed they blotted out their acts of perjury;"¹ and to relate, as Ovid does, the *Metamorphoses* of the gods, there was needed facile verse and very slight piety. Apuleius, a sort of mystic, avows that the ignorant crowd is wanting in respect for the gods, whether showing superstitious reverence or an insolent contempt for them.²



NEPTUNE AND MINERVA.³

Petronius goes farther: he knows how the masters of Olympus were made: and the narrative is not an edifying one. He says: "Fear was the origin of the gods. Mortals had seen the lightning falling from heaven's heights, overthrowing walls and setting on fire the peaks of Athos: the sun, after having crossed the heavens,

¹ *Fasti*, v. 681, and ii. 45.

² *De Deo Socer.* Pliny (97 *ad f. a.*) writes to Trajan that the temples are greatly neglected. Plutarch, under Hadrian, wrote a treatise on the decay of the oracles.

³ From one of the most beautiful cameos in the *Cabinet de France*. Cf. Chabouillet, *Catal. gén., etc.*, No. 36.

returning to its rest; the moon growing old and decreasing, to reappear in its splendor. Hence images of the gods everywhere became numerous. The change of seasons which divide the year still more increased the superstition; the laborer, dupe of a great error, offered to Ceres the firstfruits of his crop, and crowned Bacchus with purple grapes. Pales was decorated by the shepherd's hands. Neptune had for empire the sea's expanse, and Diana laid claim to the forests."¹ The gods are therefore of human creation, and from earth men reached to heaven. Here at least Petronius is serious in his impiety; elsewhere he is very irreverent. When Eunolpus, one of his heroes, gives two gold pieces to the old woman whose goose he has killed, he says to her: "With this you can buy geese and gods as many as you please." Many limited their hopes to desiring for themselves what a Macedonian from his tomb wished to passers-by: "Life and health to you."²

A considerable school, that of Epicurus, absolutely denied the existence of divine beings, and "gave peace to the soul, setting it free from the terrors inspired by prodigies and phantoms, and banishing chimerical hopes and foolish desires."³ Another, that of Zeno, hardly separated God from Nature, or rather identified him with the world of which he was the invisible soul; and some poets, Manilius in his *Astronomica*, perhaps the pious Vergil,⁴ adhered to this mighty doctrine of pantheism, which has appeared in all ages of the world to explain the inexplicable problem of metaphysics, — the co-existence of the finite and the infinite, of nature and God, of human liberty and divine providence. Hadrian doubtless held this belief, he who built temples without images or name: a sign of his contempt for the state mythology, of his respect for the impersonal God diffused throughout the universe, — who did not, however, reveal to the Emperor at his last hour the secret of the grave. In truth Plato, Aristotle, and all the philosophers had more or less guardedly made breaches in the

¹ *Fragm.* xxvii.

² Ζή και ὑγιαίνε (Heuzey, *Mission de Macédoine*, p. 39).

³ Lucian, *Thoughts of Epicurus*.

⁴ . . . *Spiritus unus per cunctas hauria' partes*.

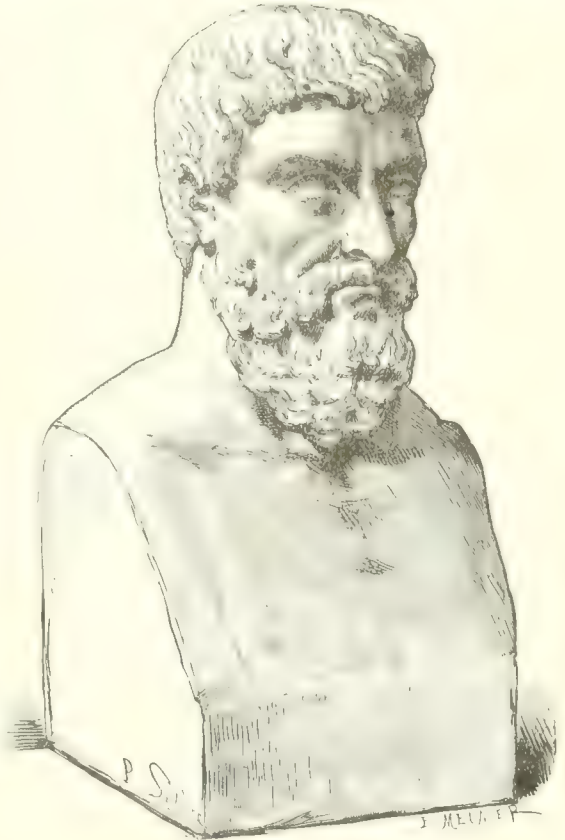
(Manilius, *Astr.* ii. 58.)

Spiritus intus alit; totamque infusa per artus

Mens agitat molem et magno se corpore miscet.

(Vergil, *Aen.* vi. 726.)

state polytheism. Their works, however, appeal only to the higher class of minds, they were not current with the crowd; but the little *Dialogues* of Lucian spread everywhere. This disciple of Epicurus had made it his special duty to pursue all charlatans, impostors, and superstitious persons. When he made such sharp attacks upon the old divinities which were passing away, as well as against those which attempted to fill their places, he was certainly an echo of public sentiment, and we know that his books were eagerly read. His is not the cold and inexorable criticism of Kant, which respectfully destroys systems and dethrones God. Lucian belongs to that family of bold and alert spirits who laugh while they destroy. Listen to what he makes Timon

EPICURUS.¹

say to Jupiter:² "Nobody now sacrifices to you, or offers you garlands, except perhaps some person at the Olympic games, and he does it, not because he thinks it duty, but merely because it is an old custom. In a little time, most generous of deities as you are, you will let them dethrone you as Saturn was dethroned. I forbear mentioning their sacrilegious attacks on your temple, or their laying hands even upon yourself at Olympia, when you, the great Thunderer, never so much as set on the dogs, nor called in your neighbors to help you take the thieves when they ran away. The noble giant-queller and conqueror of the Titans sat quietly

¹ Marble bust in the Museum of the Louvre.² *Timon*, 4.

with his thunderbolt of ten cubits length in his hand, and let them pull the hair off his head."

Rabelais, Ariosto, Cervantes thus by their ridicule gave the death-blow to the expiring Middle Ages; Voltaire and Beaumarchais thus made an end of the *ancien régime*, which was at the point of death. Had they appeared too soon, these merciless scoffers would have met no sympathy, and would have been pilloried or burned; but coming at the right time, they performed in society the function which Nature intrusts to those processes of fermentation which hasten decomposition. But life comes forth from death; the *Dialogues* of Lucian, fatal to paganism, helped to clear the ground for a new faith.¹

It was in fact impossible that this audacious mockery of popular beliefs should not have done much to shatter them.² The sculptors and painters still made great use of the old figures of the Hellenic legends, because these personages, with their adventures, their features, their costumes, were admirably adapted to plastic representation. The poets, less fortunate, no longer gave pleasure with their mythological rubbish. Yet men continued to build temples, but for architectural reasons, to embellish a city or decorate a public square; they offered sacrifices and, like Atticus Herodes, even hecatombs, but from ostentation and by way of pretext for giving a festival to the public; ancient rites were performed, but merely from obedience to tradition. Even the sceptic, in a time of fear, was for a moment devout, and for reasons of policy the statesman was always a believer.³

At these periods of reformation the multitude of the timid and

¹ See especially *Jupiter the Tragedian*, the *Aerial Voyage*, the *Assembly of the Gods*; and against the charlatans, the history of Alexander of Abonotichos and of his god-serpent Glycon.

² Philostratus exhibits (i. 2) Apollonius endeavoring to re-establish the worship in the deserted temples. The oracle of Delphi long continued dumb . . . *Quoniam Delphis oracula cessant* (Juvenal, *Sat.* vi. 555); and when the Pythia, in Trajan or Hadrian's reign, began again to speak, it was habitually in simple prose, and no longer in verse. In place of three ancient priestesses, one now sufficed. Cf. Plutarch, *On the εἶς*, the treatise *Why the Pythia no longer replies in Verse*, and that *On the Decadence of the Oracles*.

³ Horace was frightened at the fall of a tree and at a thunderclap being heard in a clear sky. Sylla, the sacrilegious plunderer of the temples at Delphi, drew from his bosom, in a perilous moment, a gold image of Apollo which he had stolen, and addressed urgent prayer to it. Caesar, a sceptic, ascends the steps of the Capitol on his knees, to disarm the anger of Nemesis.

the simple forms a mass obstinately opposed to new ideas. In his dialogue *Minucius Felix* introduces a pagan interlocutor who intends to continue faithful to the national customs, out of habit and respect for the law, and also because — knowing, like Socrates, that he knows nothing — he does not wish to innovate in such doubtful matters, nor reason on subjects which elude the reasoning process. This is a cautious man. The simple folk, such as the peasants in the heart of the country, the lower classes in the towns, poor people everywhere, remained faithful to the national faith, to their *Penates*, discreet witnesses of the domestic life, to the protecting *Manes* of their ancestors, to the quiet old rural divinities with whom an interested or timid piety associated the *Augusti*, the new gods of the Empire. When they passed before the temples of the cities, the chapels of the small towns, the holy places standing at intervals along the roads, were it but a rough hewn stone which had served as altar, or a sacred tree whose branches bore the fleeces of sacrificed lambs, they stopped to pay their devotions, or if they were in haste, they kissed hands to it and muttered a prayer. Less patient minds, finding their gods of wood and stone deaf to their prayers, took refuge with astrologers and diviners, — a race who prosper in the midst of ruins; and men of visionary character, those who are carried away by religious excitements, followed after the strange Oriental rites which in these times deeply moved the human mind.

IV. — INVASION OF ORIENTAL CULTS.

MOREOVER, amid all its prosperity the age was suffering with the disease of a successful people who, set free from the anxiety of a struggle for existence, have full leisure for thinking, even of death. Those men of turbulent nature, born for action, who for centuries had acted with such terrible energy, were tired of resting, satiated with comfort, and being no longer in action, were giving themselves to thought. Long occupied by the exterior world, wherein the Greek and Roman genius had lived as worshippers of beauty, they now fell back upon themselves, and were troubled by questions with which the old races of *Latium* had never been

disquieted. Whence come we, whither are we going, and why do we exist? But humanity was not yet mature enough for the cold analysis of these formidable questions. It was not Reason, mistress of herself, putting them and striving to solve them. Remaining, in spite of many revolts, still under the domination of the religious sentiment, the human mind, vacillating and undecided, was groping after new gods. Men penetrated into vague regions, into visible darkness, searching after the supernatural. It was the beginning of the rupture with the ancient civilization. To the religions of light and joy the religion of the catacombs and of tears was about to succeed. By way of transition from the one to the other came the invasion of Oriental cults.

Historians long failed to take account of the transformations of religious thought in pagan society, and could see but one step from Homer's mythology to the Nicene Creed; so that the world seemed to have changed front by a sudden revolution. Important studies in the history of religious and philosophic doctrines have shown that after the great disturbances produced by the conquests of Alexander and of Rome new ideas were set in circulation in Asia, Egypt, and Greece, incessantly combining in different proportions, and ending by forming a current of idealism absolutely contrary to that which the Graeco-Latin civilization had produced. It was a new age of the world, of which the philosophers were the precursors; the end of the natural religions, and the beginning of the moral ones.

At all times it had been in the policy of Rome and in the character of its religion to give citizenship to the gods of the vanquished, even when the Senate refused as much to their worshippers. During the Empire the frequency and safety of communication facilitated this religious propagandism. Olympus was peopled with divinities unknown to Cato; thither the Emperors ascended, the genii seemed to descend thence, or to occupy the ways to it, and Rome, the religious capital of the world, as it was the political capital, was already styled "*the sacrosanct city*."¹

Men sought these new gods from the direction towards which the world then leaned. Commerce, arts, letters, philosophy, even

¹ *Civitas sacrosancta* (Apuleius, *Met.* xi. *ad fin.*).

the favorite language of the time, all had an Oriental turn. The religious spirit took that direction also, the Emperors themselves even encouraging it; Marcus Aurelius "filled Rome with foreign worships;"¹ Commodus, Elagabalus, Alexander Severus, hastened on the movement; in his book, *The Errors of Paganism*, written in Constantine's time, Firmicus Maternus seems to have forgotten the ancient religion of Rome, and speaks only of Isis, Cybele, the Heavenly Virgin,² and Mithra. The dead gods, in fact, did not come to life again, they left their empire to others.

But the spirit of the East is an ascetic or sensual mysticism; it is the religion born of enthusiasm, of ecstasy, and of faith, outside every rational conception. Greek thought, I dare not say Roman, plunged into it.³ At a time when on the banks of the Tiber the gods of the Capitol were still as much honored as ever, Greece had been long accustomed to attack her own divinities. But as she had preceded Rome in scepticism, so she had also preceded her in new paths of religion. All the Greek writers of the second century, Lucian excepted, are believers. A nearer neighbor to Asia, Greece had been the first to be touched by Asiatic influence, and it was by Greeks of Syria, Asia Minor, and Egypt that the Oriental cults were spread throughout all the provinces of the Empire. The ancient gods were thereby for a moment brought to life again; oracles long silent again gave responses; the Delphian Pythia regained her voice, and Diocletian piously consulted the Didymæan Apollo. Sacerdotal honors were sought after, and the number of priests was increased greatly. In the album of the decurions of Canusium for the year 237 there is not found a single flamen's name; that of Thamugas, drawn up a century later, is full of them.

But with these Oriental religions came a train of incantations, expiatory purifications, and extravagant devotions, hitherto unknown in Greece and Rome. Noisy, theatrical, and taking pleasure in tragic emotions, they were destined to change the simple faith

¹ Capitolinus, *Marc.* 13. The rites of Cybele and of Mithra were practised from this time in the temple of Apollo on the Vatican, either on the spot or very near the place where now stands the church of St. Peter (Becker, i. 662, 663).

² The *Virgo*, or *Dea caelestis*, of Carthage was the Syrian Astarte (Münter, *Relig. der Karth.* p. 62, and Orelli, Nos. 1,942-1,944).

³ Pausanias, Dion. Maximus of Tyre, are religious minds, Aristeides a visionary, Aelian a fanatic. There is nothing like these among the literary Latins.

of the Western provinces.¹ Such were the cults of the solar divinities Adonis and Atys, whose death and resurrection, symbols of the renewal of the seasons, gave occasion for festivals in which the Oriental populations exhibited all forms of exaggerated grief and joy, — fasting, funereal lamentations, flagellation with a disciplinary scourge whose cords were armed with small bones; even blood, wounds, horrible mutilations, or joyous hymns, orgiastic dances, and obscene songs: such also were certain rites in the worship of Cybele and of Mithra, especially the taurobolium.

Prudentius describes² one of these sacrifices made to the Great Mother, Cybele. He shows us the crowd gathering from afar to the festival, for the man who gave it displayed all the magnificence which his fortune permitted, and the priests appeared in all their pomp. In the neighborhood of the temple a ditch was dug, and to the sound of sacred instruments the neophyte descended into it, richly attired and having fillets around his forehead and a gold wreath on his head. The ditch being then covered with perforated planks, a bull, with gilded horns and flanks half hidden by garlands of flowers, was then led on to the boards. The temple attendants made him fall on his knees, and a priest armed with the sacrificial knife opened a large wound, from whence the blood flowed in streams. The ditch was filled with the blood, and the neophyte, with extended arms and head thrown back, strove to prevent a drop of this blood from reaching the earth before having touched him. His ears, his eyes and mouth, and his whole body were soon covered with it. When he reappeared, streaming “with the vivifying rain,” instead of being an object of disgust and horror,³ he was regarded as a happy man, “regenerated for eternity.”⁴ And this rich man was envied for being

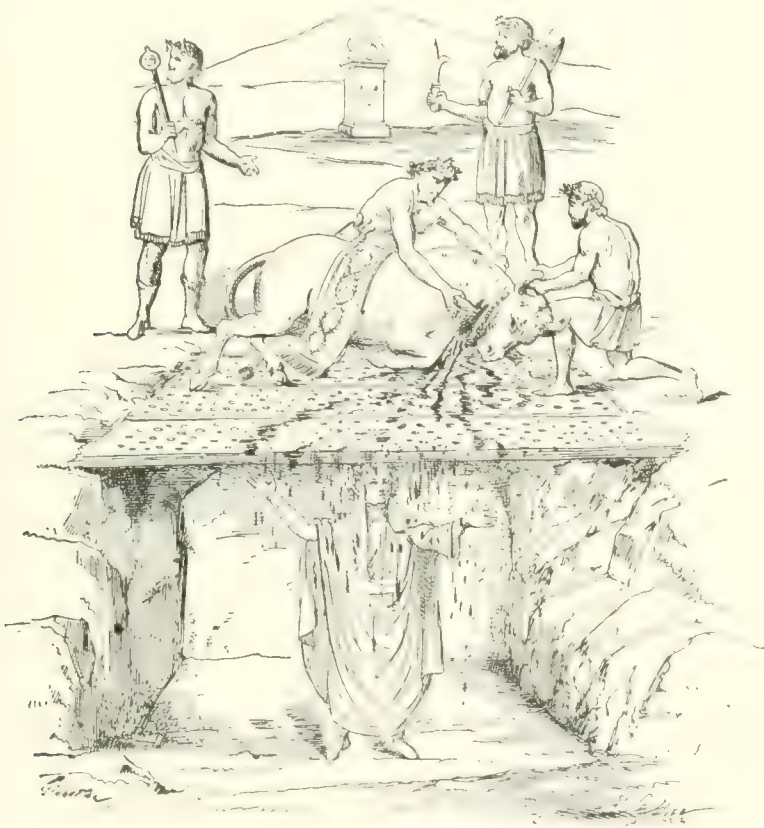
¹ From the reign of Augustus there were temples to Isis at Rome, outside the pomerium (Dion, liii. 2). But this Egyptian divinity soon had imperial worshippers, — Otho (Suet., *Otho*, 12). Domitian, who built an *Iseum* and a *Scrapeum* (Eutropius, vii. 23), Commodus, and others (Lamprid., *Comm.* 9). In the third century she had sanctuaries even in Germany (Orelli, No. 1,892).

² *Hymn*, x. vv. 1,021 *et seq.*

³ *Procedit inde . . . visu horridus* (Prudentius, *Hymn*, x. 1,045).

⁴ *Renatus in aeternum taurobolio* (Orelli, No. 2,352). Some devotees repeated this baptism monthly, or that of the *criobolium*, or sacrifice of a ram, which was less costly. See, in Firmicus Maternus (*De Error. prof. relig.* 28), a curious passage in which he contrasts the remission of sins obtained by the blood of Christ to the bloody baptism of the taurobolium. . . . *Polluit sanguis iste, non redimit.*

able to buy, by means of a hideous sacrifice, the repose of a guilty conscience and the favor of the gods, which could no longer be acquired by the offering of a pigeon, a few grains of incense, and an honest life.¹



THE TAUROBOLIUM.²

The priests of these religions were not like those of Rome, men employed to offer prayers in the temple for the republic,

¹ The *taurobolium* and the *criobolium* became frequent from the time of the Antonines: see Orelli, Nos. 2,322-2,355. The *taurobolium* was sometimes offered for the health or recovery from illness of an Emperor: thus, at Lyons for Marcus Aurelius (Orelli, No. 2,322), and at Narbonne, where the first personage of the province, the *augustal flamen*, performing the sacrifice "for the sake" of Septimius Severus, who was suffering much from gout, received in his stead the regenerative blood (Gruter, xxix 12). The same was done also "for the preservation of the city" (Robert, in the *Comptes rendus de l'Acad. des inscr.*, 1872, p. 474). Purification by water was obligatory for all material impurities, such as touching a corpse, etc.

² Restoration taken from the memoir of M. de Boze on the inscription on the taurobolic altar found at Fourvières in December, 1704 (*Mém. de l'Acad. des inscr.* ii. 473 and pl. 16).

who on leaving the temple became again citizens and magistrates. Set apart for the service of the god or goddess, these Oriental priests formed a priestly body whose only professed care was of divine things, and they wore a particular dress, which the Church has imitated with the same happy facility which caused her to preserve, under Christian names, so many festivals, ceremonies, and pagan customs.¹ After the bloody baptism of the taurobolic sacrifice, the officiating priest became the spiritual father of the initiated, whom he marked on the forehead with a sign of consecration to the god.² In Egypt were already cloisters in which "the servants of Serapis"³ were secluded, and those of Mithra, Isis, and other divinities were united in religious brotherhoods in which they passed through different grades of initiation.⁴ The monastic life, as well as the eremitic, had begun in the wildernesses adjacent to the Jordan and the Nile: the Essenes, who led a communistic life and practised abstinence, did not permit women to approach their abodes; the Therapeutae lived in the desert, engaged in meditation, fasting, and prayer, in the midst of ecstatic visions.⁵

"It is the battle of Actium beginning again," says a philosopher, cursing the Oriental religions, with which he confounded Christianity. "The monsters from Egypt dare to hurl their darts against the gods of Rome; but they will not prevail."⁶ The government also grew anxious respecting these violent cults which disturbed men's

¹ The priests of Cybele wore the tiara, which has become the episcopal mitre. Plutarch speaks of the priests of Isis having *λωστολία καὶ ξύρησις* (*Isis and Osiris*, 3). This *ξύρησις* was the tonsure of the whole head (Artemidorus, *Oneirocr.* i. 23). The assistants were sprinkled with Nile water, considered as holy water (Juvenal, *Sat.* vi. 25; Servius, *Ad Aen.* xi. 116). Apuleius says that at the end of each service in the worship of Isis, one of the priests mounted a pulpit at the temple door and said prayers for the Emperor and the Empire, after which he pronounced the sacred formula: "Let the people retire" (*Λαοὶς ἄφεςις*); and the crowd withdrew, kissing the feet of the statue of the goddess (*Met.* xi. *ad fin.* etc.). The Abbé Fleury has shown in his book on the *Mœurs des chrétiens* how many ancient customs have been preserved by the Church.

² See the end of the *Metamorphoses* of Apuleius: *Complexus sacerdotem meum jam parentem*, and Boissier, i. 398 *et seq.*

³ Cf. the papyri of the Serapeum of Memphis, interpreted by Hase and Peyron.

⁴ There were twelve of these, requiring laborious experiences, which lasted forty-five, fifty, and even eighty days, after which the initiated was baptized and marked on the forehead with a sign of consecration to Mithra, after which he made an oblation of bread and wine, accompanied by mysterious words, etc. Cf. Layard, *Recherches sur le culte de Mithra*.

⁵ On the Essenes and Therapeutics, see the curious details given by Philo and Josephus.

⁶ Maximus of Madaura (Saint Augustine, *Epist.* 43).

minds,¹ and on this account were so attractive to those whom the frigid severity of the ancient rites now left unmoved. These emotions, which the women sought from the new religions, were given them freely: frightful sights, sacred pomp, mysterious words, infinite promises, even rude penances, everything stirred these timid souls and secured them. See, in Juvenal,² how they flock to the Oriental superstitions, and how great is their docility. "She will break the ice and plunge into the river in the depth of winter, or dip three times in Tiber at early dawn and bathe her timid head in its very eddies, and thence emerging will crawl on lacerated knees over the whole field of Tarquinius Superbus. If white Io command she will go to the extremity of Egypt, and bring back water fetched from scorching Meroë to sprinkle on the temple of Isis, hard by the ancient sheepfold." Has she committed what the priest regards as an act of impiety, tears and certain murmured words bring her pardon from Osiris: after which she may begin again; for the remission of sin is promised, not to what Christians will call the "circumcision of the heart," but to the practice of certain religious exercises. Devotion takes all forms. We see rigors of piety which remind us of the *richis* of India or of certain monks of the Middle Ages,³ and convulsive dances like those of the spinning dervishes.

Other women consult the Jew, the Chaldaean, the Phrygian augur. It costs them somewhat, but they give freely to the priest, the temple, the idol, which they decorate in sumptuous dress; but if it do not hear their prayers, they will treat it as the Neapolitan *lazzarone* treats the saint with whom he is dissatisfied, loading it with insults and blows. Long before this time a character in Menander complained on the Athenian stage that the gods were ruining the husbands. "Our wives," says another, "need as many as five sacrifices a day."⁴

¹ See the severities enacted under article xxi. of book v. of the *Sententie* of Paulus against the *ratiocinatores* qui *humana credulitate publicos mores corrumpunt*, by whom . . . *populares animi turbantur*; and against those who *veros et usu vel ratione incognitas religiones inducunt ex quibus animi hominum moeantur*.

² Juvenal, *Sat.* vi. 523-530.

³ . . . *Caeno contaminari, desiderare in sterquilinio . . . projicere se in faciem, turpiter sedere*, and the whole treatise by Plutarch *De Superstitione*.

⁴ Strabo, vii. 297.

For initiation into these mysteries, Mithra,¹ the mediator between the Supreme God and men, required a fast of fifty days, —



REMAINS OF THE THEATRE OF HERODES AT ATHENS.

longer than the Mohammedan Ramadan. — then eighteen days more devoted to trials or to different penances, and two to flagellations.

¹ Mithra signifies in Zend, "sun and love." It recalls *Eros*, or creative Love, and the *δημιουργός* of the theogony of Hesiod and Parmenides.

The priests of the Enyo of Comana, like the *aïssaoua* of Algeria, played with swords and gave themselves severe wounds; the Galli of Cybele emasculated themselves, as do at the present day the Russian *scoptzi*; and a multitude of vagabonds who called themselves priests of various divinities, but in fact followed callings of



MITHRA SACRIFICING THE BULL.¹

doubtful honesty, begged while they hawked prayers, talismans, philters, and in addition, like Tetzels band, indulgences for the remission of sins. Never did a gang of gypsies cause so much disgust as these priests of the Syrian goddess whose hideous picture Apuleius has left us.²

¹ Group in the Vatican. This sacrifice, made at the winter solstice, indicated the combat and victory of the god of day, the Sun, over the Bull, the symbol of the powers of night. The church of St. Clement at Rome is built on a sanctuary of Mithra. Cf. *C. I. L.* vol. vi. No. 3,725.

² *Mt.* viii. *ad fin.* Plato had already brought to notice (*Rep.* ii. 7) the religious charlatans besieging the doors of the rich to sell them secrets whereby the latter could atone

There existed then what is often seen,—much outward show of religion, and little true devotion. Obedience to the prescription of a ritual, especially the performance of expiatory rites, which were the principal characteristic of the Oriental cults, was deemed sufficient for constraining the will of the gods, giving them satisfaction, and calming all remorse. The result was that religious practices did not always turn to the advantage of morals, because a religion which is confined to external observances, instead of reaching the heart, becomes perfectly reconciled with moral obliquity.¹

Yet a truly religious spirit found the means of moral improvement in becoming engrossed with divine things; and the extravagances of others no more turned such aside than our *fabliaux*, the fete of fools, that of the ass, and some strange sculpture in our churches turned aside, in the Middle Ages, the faithful from the lofty teaching of the Catholic Church. Persons of refinement kept away from the coarse and licentious rites of Dionysos and Aphrodite, of Sabazios and the Syrian goddess, to become initiated in mysteries in which the religious spirit had slowly purified the divine idea, by disengaging it from the ancient naturalistic conceptions. The priests revealed to them nothing more than was already known; but they had preserved a dramatic effect which struck the imagination and left a profound impression on the mind. See how grave Apuleius becomes after his initiation into the mysteries of Isis. “Prostrate before the goddess, with my face on her divine feet, I watered them for a long time with my tears; and interrupting my words by frequent sobs, I addressed this prayer to her:—

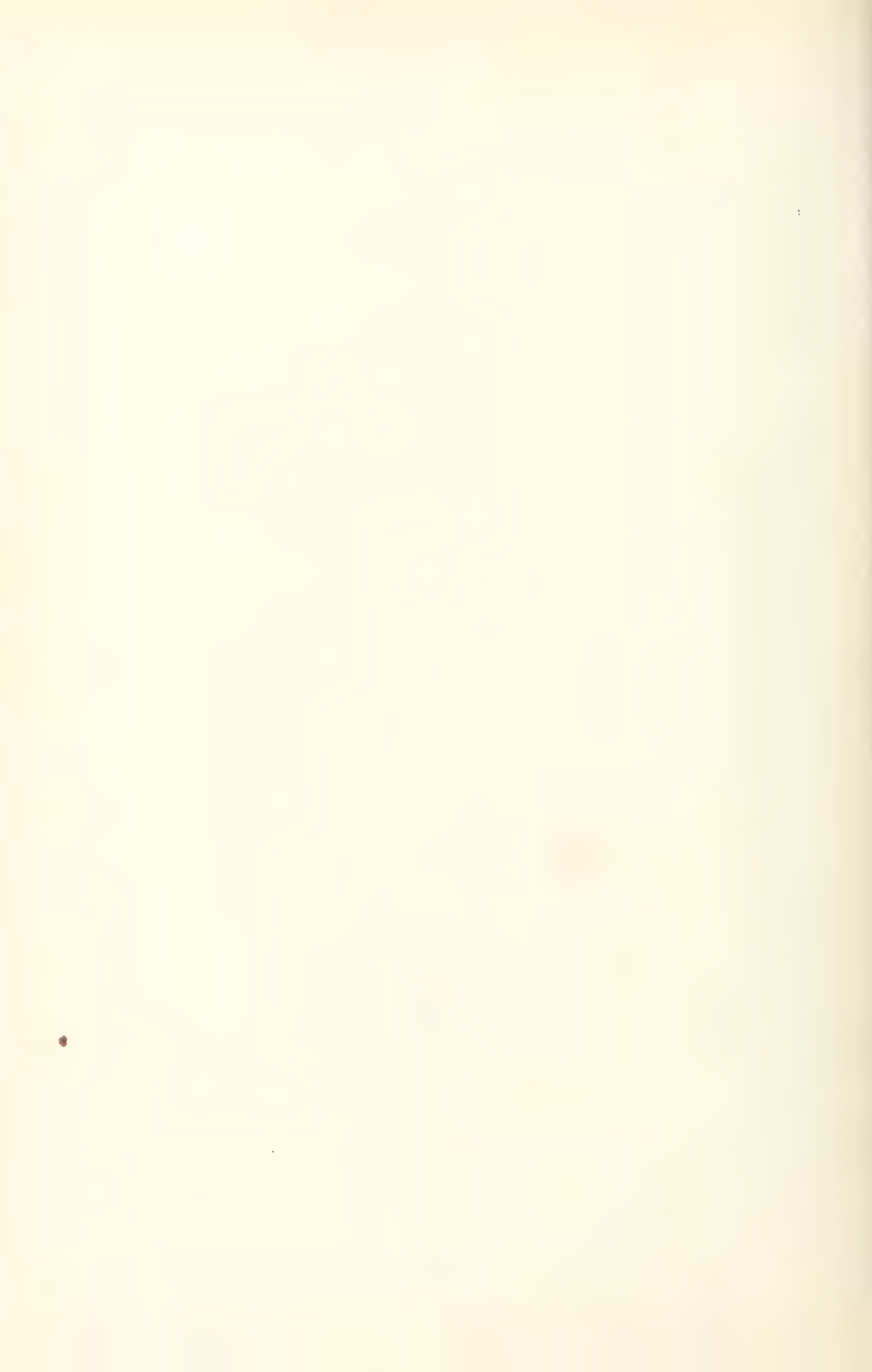
“Thou, O holy and perpetual preserver of the human race, always munificent in cherishing mortals, dost bestow the sweet affection of a mother on the misfortunes of the wretched. Nor is there any day or night, nor so much as the minutest particle of time, which passes unattended by thy bounties. Thou dost protect

even for a crime committed by themselves or by their ancestors. They received, says Apuleius, some small pieces of money, a cruse of wine, some milk, cheese, and flour; and thus wandered about the country, plundering as they went . . . *ad istum modum palantes, omnem illam deprædabantur regionem.*

¹ See Lucian, *The Syrian Goddess*, and note the indications which M. Maury gives respecting prostitution being established in the temples, vol. iii. pp. 169, 176, etc.



ISIS SUCKLING HORUS (EGYPTIAN BRONZE OF THE PTOLEMAIC PERIOD.
MUSEUM OF THE LOUVRE).



men both by sea and land, and, dispersing the storms of life, dost extend thy health-giving right hand, by which thou dost unravel the inextricably entangled threads of the Fates, and dost assuage the tempests of fortune and restrain the malignant influences of the stars. The gods of heaven adore thee, those in the shades below do homage unto thee; thou dost roll the sphere of the universe around the steady poles, thou dost illuminate the sun, thou dost govern the universe, thou dost tread the realms of Tartarus. The stars move responsive to thy command, the clouds are gathered, the seeds germinate, and the blossoms increase. The birds as they hover through the air, the wild beasts as they roam over the mountains, the serpents that hide in the earth, and the monsters that swim in the sea, are terrified at the majesty of thy presence. But I, so weak in capacity for celebrating thy praises, and possessing such slender means for offering sacrifices, have far from eloquence sufficient to express all that I conceive of thy majesty; not a thousand mouths, and tongues as many, not an eternal paean of unwearied speech, would be equal to the task. I will therefore use my utmost endeavors to do what, poor as I am, still one truly religious may do,—I will figure to myself thy holy countenance, and will ever preserve this most holy divinity locked up in the deepest recesses of my breast.”¹

We see what direction the religious sentiment was taking. Stimulated by the philosophers and at the same time by the priests of the new cults, who were impelling men by different roads towards a common end, it revived, manifesting itself in some by violent physical extravagances in devotion, in others by an ecstatic piety. For the ancient marvels, which were perishing, was substituted a new supernaturalism. The pure air of the Hellenic Olympus was growing thick with mists; the low and narrow, but honest and well-regulated heaven of the Latin divinities was becoming confused and disordered. The incongruity which Lucian describes in the assembly of the

¹ *Met.* xi. *ad fin.* Plutarch, at the beginning of his treatise, *On Isis and Osiris*, regards the goddess as the divine wisdom. She communicates her gifts to those who, by the control of their passions, by their assiduity in pious exercises and rigorous abstinences, aspire to the knowledge of the Supreme Being. The institution of mysteries which required purifications is carried as far back as Orpheus (Pausanias, ix. 30), by whose aid men believed sins were blotted out and sanctification attained. On the writings composed under the name of Orpheus, see Maury, *op. cit.*, chap. xviii., devoted to the *doctrines orphiques*.

gods, where Anubis, with the dog's head, sits beside the radiant Apollo, existed also in men's beliefs. It was the strangest medley of grotesque doctrines, rites, and practices, an anarchy amid which over-excited religious sensibility furnished visionaries, fanatics, and charlatans with the means of exercising their zeal or plying their trades. Apuleius very appropriately wrote at this time the sad and graceful myth of Psyche. Like the bride of Eros, pagan society, seized with impatient curiosity, desired to pierce the darkness which hid the divine spouse. An ardent inspiration carried many minds towards the unknown, and they asked the road to it from those who professed to lead men thither. The whole world, Pagans, Christians, and Jews, believed in magicians,¹ and the government, most credulous of all, had great fear of them. The law against them was extremely severe, condemning to the flames those who practised magic, and to the wild beasts those who studied it.² Its reputation was only the greater for this reason, and its lying mysteries added to the mental confusion of the time. Accordingly, prodigies were no less numerous than they had been in the palmiest days of Roman credulity. The most sceptical were not free from superstition. The elder Pliny, who does not believe in a God, although he believes in virtue, accepts omens and miracles, and relates them with perfect sincerity. It was still customary gravely to examine the entrails of victims offered in sacrifice. Men sought to find in dreams revelations of the future,³ and the Chaldeans drew up "schemes of nativity," which sometimes became sentences of death, when they promised a lofty station to the contemporaries of Tiberius, Domitian, or Caracalla. The astrological predictions and the Sibylline verses assumed that Fate had determined everything

¹ See what Saint Irenaeus (*Adv. haer.* ii. 48) says of the *inspiratio daemoniaca*, and Origen, *Contra Celsum*, 2.

² Paulus, *Sent.* v. 23, 15-18.

³ Galen determined to study medicine in consequence of a dream of his father (*Meth. med.* ix. 49), and another dream prevented him from accompanying Marcus Aurelius in that Emperor's expedition to the Danube, — unless indeed this was a pretence to give himself an excuse for staying at Rome. In general, he believed in these things, as everybody did at the time, and had no doubt whatever as to the power of enchanters (Daremberg, *op. cit.* p. 23). Artemidorus of Ephesus, under the later Antonines, had written in five books an *Ὀνειροκριτικόν*, or *Dream-Interpreter*. He believed that dreams revealed the future. Plato, Cicero, Marcus Aurelius, thought the same, and all the Middle Ages believed as they, that in sleep man could enter into communion with the spirits of the dead. This is still the belief of the American Indians.

beforehand; the oracle, on the other hand, encouraged the idea that the gods freely interfered in mundane affairs. This inconsistency did not prevent men from having recourse one day to the Chaldeans, and another to the oracle of Abonotichos, whose scandalous history Lucian has preserved for us.¹

The immutable laws of Nature pursued their course, and yet many believed that they saw miracles. As those most valued were miracles of healing, all interested persons multiplied and adorned the accounts which were in circulation in respect to these. And, in fact, some seemed to succeed. In the temples of Aesculapius the preparatory ceremonies, prolonged fasts, purifications, sacrifices, strange and sometimes efficacious remedies, and lastly the night passed in the midst of the sacred serpents, in presence of the god, who was sure to appear in the sick man's dreams, or to speak to him when half asleep, caused a salutary shock to the imagination.² Then faith and nervous excitement and some mysterious remedy assisting, there took place phenomena inexplicable to the science of those days, which were then of necessity attributed to divine action. "A man named Euphronios," says Aelian,³ "had allowed himself to adopt the follies of Epicurus, and had hence fallen into two great evils, — impiety and profligacy. Being attacked by a malady which the physicians could not cure, he was carried by his relatives into the temple of Aesculapius, where in the night, during sleep, he heard a voice saying: 'In the case of this man, there is only one means of restoration; namely, to burn the books of Epicurus, to knead these sacrilegious ashes with wax, and to cover the stomach and chest with the compound.'" The patient obeyed, and was at once cured and converted. Aelian gravely relates a number of other marvellous cures.⁴ The water of the

¹ *Alexander, or the False Prophet*; see also *The Liar*.

² A number of inscriptions bear: Made by the order of such or such a god (*ex præscripto, jussu, imperio*). See Orelli, Nos. 1,214, 1,445, 1,175, etc. On the *Astrology*, the consulting of the gods by means of *oracles* and *lots*, on *amulets*, *abracadabra*, *ἐφέστια γράμματα*, the evil eye, etc., see Marquardt, *Handb.* iv. 100–136.

³ Aelian, *Fragm.* 89. This Roman of Praeneste, who wrote only in Greek, and that, too, so well that he obtained the name of *μεγίσλωττος*, had composed, besides his *Varia Historia* and his treatise *De Animalium Sollertia*, a book on *Providence*, and another on the *Manifestations of Divinity*, of which only some fragments remain.

⁴ See in the *Plutus* of Aristophanes a bold, untranslatable account of the cures effected in the Asclepieion. Juba, king of Mauretania, relates that a plant was found in Arabia able to raise the dead (*Fragm. Hist. Graec.* iii. 479, fr. 57).

fountain of Aesculapius at Pergamus was a specific for many disorders, and many ex-votos hung up in the asclepieions — hands, arms, or legs of clay, as may be seen in certain of our churches those of wax, — and pieces of gold and silver thrown into the holy wells, bear witness to the miracles.¹ Inscriptions still preserve the grateful acknowledgments of those who, by the god's favor, had recovered health or sight. Accordingly, this helpful divinity had temples everywhere, — even in Paris, where now the Christian cathedral stands, — and seems to have taken in men's worship the place of Jupiter. Serapis at Alexandria was another great healing deity. All the divinities, even the heroes who had not been admitted to the highest honors of heaven, possessed this privilege, or rather had received it from their confiding worshippers.

On the other hand, the gods took vengeance by sending ruin, sickness, infirmities, or death on the sacrilegious. Isis made blind those who perjured themselves in her name, and Ovid saw at Tomi some of those unfortunate men wandering through the city confessing their faults and the just wrath of the goddess.²

The priests, who carefully maintained all this credulity, and often shared it, sometimes ascribed to themselves miraculous power. Some professed to drive away demons and deliver those possessed; others by secret charms healed the sick; it was even said that the priests of Serapis raised the dead.

The eighteenth century saw a mental state in some respects similar: the ancient faith growing weak, and under the very eyes of triumphant philosophers the miraculous cures wrought by the deacon Paris, the visions of the Illuminati, and the magnetic trough of Mesmer. In our own time, with all the testimony of science to the permanence of general laws, somnambulism, table-turning, spiritual

¹ *C. I. L.* vol. iii. No. 987; *C. I. G.* No. 5,980. See in the *Bulletin de la correspondance hellénique* the inventory of the Asclepieion of Athens by MM. Girard and Martha. Near Santa Maria de Capua there were found at the same time with the ruins of a temple to a Nurse Goddess, *κουροτρόφος*, nearly thirty thousand ex-votos in terra-cotta. There was a manufactory at the gates of the temple, where devotees procured at low prices arms, heads, legs, etc. (*Comptes rendus de l'Académie des inscriptions*, etc., 1879, p. 304). Aelian (*De Anim. Natura*, 49) calls Aesculapius *νόσων ἀντίπαλον*; elsewhere he thus invokes him: *ὦ βασιλεῦ καὶ θεῶν φιλανθρωπότατε Ἀσκληπιέ*. The same title appears in an inscription of Thasos (Miller, *Mél. de philol.* i. 36). Cf. Aristides, *Orat. sacrae*, i. and ii., and *Orat. in Aescul.* [A large number of inscriptions on cures by Aesculapius have also been found in the recent excavations at Epidaurus. — ED.]

² *Pont.* i. 53. Cf. Juvenal, *Sat.* xiii. 92.

manifestations, spirit-rapping, and the wonderful water of La Salette, have found countless disciples. A work with the title, "Concerning Errors and the Truth," was praised in the hearing of Voltaire. "If it is a good book," he replied, "it needs fifty folio volumes for part one, and a half page for the second part." We are extending the half page, but slowly!

V.—EFFORTS OF THE PHILOSOPHERS TO SATISFY THE RELIGIOUS FEELING.

THE time had not yet come when man would recognize that to understand the twofold mystery of the divine essence and of creation is as much beyond his comprehension as it is beyond his power to fly through the air or to swim in the depths of the sea. The philosophers, therefore, did not renounce the idea of lifting the world out of the intellectual anarchy in which it was so grievously struggling, and they expected to succeed, some by giving up those gods "who governed so ill;" others by constructing a theodicy acceptable to minds which had not yet been affected by the intoxication of mysticism.¹ We are acquainted with the former; let us see how the latter strove to establish and extend the belief in the divine unity and the immortality of the soul, in the punishments and rewards of another life, and in relations with the Divinity in this life by the mediation of Genii.

The monotheism, vaguely perceived by primitive peoples, which underlies the Vedas as it underlies Hellenism, and which the Semitic peoples had naturally preserved in their double desert of sky and land in Arabia, had been in India and Greece covered up and hidden under the rich drapery which the poets had drawn across the door of the sanctuary. Anaxagoras rediscovered it in Athens, Cicero at Rome. An interpreter of the purest speculations of the Greek mind, Cicero had reached the idea of the divine unity and

¹ Epictetus (*Discourses*, i. 12) lays down that there are, as regards the gods, five theories: 1. They do not exist. 2. They exist, but are perfectly indifferent to everything. 3. Their providence extends only to heavenly things. 4. They are engaged both with heaven and earth, but only in a general manner. 5. Man does not make a movement without their notice. This last is the theory which he himself adopts.

the immortality of the soul, not by the rigorous deductions of the philosopher who constructs a system where all is logically bound together, but by a noble impulse of the heart. The Stoics had replaced the incomprehensible God of Plato, the solitary God of Aristotle, by a living God who penetrates and fills the universe with his own life,¹ and they delighted to repeat the grand verses² in which Cleanthes expresses such an ardent faith in the Eternal Reason. But their Soul of the world, not being distinguished from the material universe, was but a force, and their Providence, the necessary chain of causes and effects, was only Destiny. Now, loving hearts asked for a more personal God, less inaccessible to the imagination and to prayer; and many began to find Him. What influence was exercised by the Jewish idea of that Jehovah who would not permit a rival? We cannot say; the Jews made their way everywhere; the "proselytes of the gate" whom they had converted must have helped on the development begun within paganism by the Platonic doctrines, which led polytheism to deism. We cannot wonder that the Jew Philo, who is so thoroughly Greek while still so Oriental, should separate God from the world, "as the artist is distinct from his work;" but a true pagan, Plutarch, reached the same truth. Plutarch was at that time the most illustrious representative of the Academy. He had recognized the two currents which were sweeping men away,—on the one hand to atheism, on the other, to superstition.³ He placed himself between the lowly and the proud, tried to raise the former from their cowardly abasement, and to bring back the latter to the conception of the good and just God of the *Timæus* of Plato: the one God, unchangeable, the Creator of the worlds which He has organized, and now preserves, presiding from the highest heavens over their courses. "Jupiter," he says, "was not brought up in the odoriferous caves of Crete, and Saturn did not devour a stone in the stead of his son. The principle and cause of his own eternal existence, he was from the beginning, and he will always be. Nothing escapes his notice, neither the summits of the mountains, nor the sources of the rivers, nor the cities, nor the sands of the seas, nor the countless stars. He has given us all that we possess; in him are the

¹ Vacherot, *Hist. de l'école d'Alex.* i. 93.

² The *Hymn of Jupiter*.

³ Gréard, *Morale de Plutarque*.

beginning and the end, the measure and destiny of everything. . . . Men's souls, encompassed here with bodies and passions, have no communication with God except what they can reach to in conception only, by means of philosophy as by a kind of obscure dream."¹ We see ourselves already on the road which leads to mystic contemplation and to ecstasy; and Numenius falls into them.²

At the entrance of the sanctuary Plato had written: "It is difficult to discover the Author and Father of the world, and when He has been found, it is impossible to make Him known to men." In spite of this hopelessness, the doctrine of the divine unity spread by degrees outside the sanctuary. We see it dawning at Rome in the last days of the Republic; under the Empire it made much way in men's minds. The nations came to it as well as the philosophers, for the unity of the divine principle was at the foundation of the Oriental religions which were gaining such ascendancy. The Isis of Apuleius³ is the supreme divinity, adored under numerous names: *Isis myrionyma*; ⁴ the Serapis of Severus and Caracalla,⁵ the Sun-God of Elagabalus and Aurelian, the Good, the Merciful One of the Palmyreans, the Ahoura-Mazda of the Persians, especially Mithra, "the invincible sun," which is everywhere adored, are, each for his own followers, "the Lord of the world blessed forever more." Maximus of Madaura echoes the feelings of many pagan souls when he writes in his beautiful letter to Saint Augustine: "What a fool, and utterly deprived of reason, is the man who does not regard as absolutely certain the existence of only one God, who, without beginning and without having begotten any like himself, is yet father of all the great things of the universe!"⁶

The Roman reckoned with his gods. He rendered them wor-

¹ *Isis and Osiris*, 79.

² This Numenius lived in the time of the Antonines; his works are known to us only by some curious fragments which Christian authors have preserved. See Vacherot, *op. cit.* i. 324.

³ See above, p. 396.

⁴ Orelli, Nos. 1,876, 1,877. An inscription at Capua (Mommsen, *Inscr. Neap.* No. 3,580) says: *Una quæ es omnia dea Isis*. This was also said in respect to Atys, Serapis, and Mithra.

⁵ Serapis was confounded with the Sun. A procurator of Egypt had offered for the prosperity of Trajan an altar to the Sun-Jupiter, Grand Serapis; Letronne, *Inscr. d'Égypte*, i. 106, 153, 206, etc. The colossus of Nero had been consecrated by Hadrian to the Sun (*Hadr.* 18).

⁶ *Equidem verum esse Deum summum sine initio, sine prole naturæ, seu patrem magnæ*

ship on the condition of their rendering him services. Towards them he felt respect and fear, but no love.¹ But humanity gathers up, along the route of its slow intellectual and moral evolution, ideas and sentiments which it did not at first hold, or held only obscurely. Respect, fear, self-interest do not compose true religious feeling. Certain souls separated from the earth by suffering or by meditation require the mysterious pleasure which man experiences in drawing near in worship to the Omnipotent, and the pride which this communion with God imparts. This divine love the Romans are about to know; by this too they approach Christianity, which has made of this feeling the pledge of faith, the guaranty of salvation. A positive thinker, a scientist, the physician Galen says: "Why dispute with those who blaspheme? It would be to profane the sacred language which ought to be kept for the Creator's praises. True piety does not consist in sacrificing hundreds of victims and offering him delicious perfumes, but in acknowledging and proclaiming his wisdom, power, and goodness. . . . He has proved his goodness by the benefits with which he loads his creatures, his wisdom by the order which he has placed in all things to make them subsist, his power in creating everything in perfect conformity to its end. Let us then raise our hymns and songs in honor of the Lord of the Universe."²

This God Epictetus wished men to love and unceasingly to praise for his benefits: "Since you are blind, you, the great mass, each one of you ought to repeat for the rest the hymn to the divine. If I were a nightingale I should sing; as a man, I praise God. This is my employ, and this will I accomplish so far as

atque magnificum, quis tam demens, tam mente captus, neget esse certissimum? (Saint Augustine, *Epist.* 46.) Horace had said in the time of Augustus: "Jupiter has neither second nor his like,"—

. . . *Nil majus generatur ipso,
Nec viget quodquam similis aut secundum.*

(*Carm.* I. xii. 17–18.)

¹ I have several times pointed out in the first volume of this work that the ancient religion of the Romans was a contract between the gods and their worshippers. In the time of the Second Punic War, Rome promised sacrifices and games to the gods on condition that they should give her the victory, but not otherwise. Divine love came in later with philosophy; there is a little in Cicero, much in Seneca, still more in Epictetus. M. Havet, in his learned book on the *Origines du christianisme* (vol. ii. pp. 22, 132, and 275), concedes the *cavitas deorum* to the pagans. The chronological distinction which I have just made, puts us, I think, in agreement.

² *De Usu partium*, iii. 10; Kuhn, ii. 237

I can. Say with me. God is great." It is the spirit of our Psalms. *Laudate Dominum*.¹

Here we have pagans arriving at the idea of the divine unity, of Providence, and the adoration due to the Supreme Being. But how did they reconcile this idea with their paganism? Very easily. Seneca had said: "The Stoics represent the several functions of the Almighty Power under several appellations. When they speak of him as the Father and the Fountain of all beings, they call him Bacchus; and under the name of Hercules they denote him to be indefatigable and invincible; and in the contemplation of him in the reason, order, proportion, and wisdom of his proceedings they call him Mercury."² And three centuries later Maximus of Madaura repeats that the secondary divinities are only the attributes of the Supreme God spread abroad through the earth and honored under different names, because we are ignorant of the actual name of the only God. In addressing prayers to them it is He whom we adore.



PALLAS.³

One of these divine virtues assumed from day to day a more elevated character. Minerva, who in the ancient naturalism had represented air and water, pure and subtile matter, had afterwards personified intelligence. "After Jupiter," says Horace, "Pallas has the highest honors."⁴ For the poet, Olympus is still a court where the goddess sits by the side of the sovereign. Philosophers going

¹ Psalm cxii. and cxvi. It is the spirit of Epictetus, not the form: for the *Meditation*, i. 10, is a disjointed note, where I have been obliged to make some transpositions. 'The *Prætor* chanted at all masses says also: . . . *hæmolum tuæ gloriæ canimus*.

² *De Benef.* 12.

³ Marble bust, with the eyes of enamel. It was found at Tor Paterno (Vatican, Museo Chiaramonti, No. 197).

⁴ *Proimus illi (Jovi) . . . occupabit
Pallas honores.*

(*Carm.* I. xii. 19-20.)

farther into spirituality made of her the thought of the only God. The heavenly virgin, born of Jupiter, became the spotless



MINERVA ARMED.³

Wisdom, the Word of the Lord of the universe. Saint Justin wonders; "for," he says, "the Word cannot be a woman."¹ But the rhetorician Aristeides, his contemporary, explains without much difficulty the profound myth in which the λόγος θεῖος of Plato was hidden under the legend.² "Jupiter, withdrawing into himself, conceived the goddess in himself, and begat her of his own substance. She is truly his daughter, of an origin absolutely identical. Never leaving her father, she lives in him and with him, as if consubstantial with him. . . . As the sun appears with all his rays, so Minerva came forth from the paternal head fully equipped with her gifts. In the assembly of the gods her place is next to Jupiter. On every subject their will is always the same. It may be concluded from this that Minerva is the form of Jupiter, since whatever Jupiter does, Minerva does it with him. So one may attribute

to her all the works of her father."³ In the Alexandrine period Isis held the same position towards Ammon. She was wisdom,

¹ *Quod quidem peridiculum nobis videtur* (Saint Justin, *Apol.* i. 64).

² According to Plato, the One has begotten the Intelligence (Vacherot, *Hist. de l'école d'Alex.* i. 305).

³ Statue called Minerva Poliades, found in the sixteenth century on the Esquiline, near the temple of Minerva Medica (Vatican, Braccio Nuovo, No. 114).

⁴ *Αὐτὴ πάρεστί τε καὶ συνδιατάται, καθάπερ συμπροφυκῖα . . . κοσμηθεῖσα* (Aristeides, in the discourse entitled *Ἀθηνᾶ*, pp. 10 and 16, edition of Canterius. Born about 117, he wrote in 175 his *Sacred Discourses*. Waddington, *Chronol. de la Vie d'Aristide*, in the *Mém. de l'Acad. des insc.* 1867, p. 203.

justice, the soul of the Supreme Being, the mediator between the world and him.¹

Philo, whose influence was so considerable on the school of Alexandria and even on certain Fathers of the Church, had developed, since the time of Augustus and Tiberius, the theory of the triune God whom Egypt, Chaldaea, Persia, India, Pelasgic Greece, and Gaul had adored. From the Infinite Soul hidden in the impenetrable depths of his essence, had come forth by a first emanation "the eldest son of God and the most ancient of the angels," whom Philo also calls "the divine man," because man on the earth had been created in his image.



AMMON.²

This first-born of God, creator of the universe, is the Interior Word, or the Divine Wisdom which governs the world. In its turn it beget the Word Expressed, or Speech, the spirit which vivifies beings by his grace, "the heavenly Virgin acting as mediatrix between God who offers, and the soul which receives." This Platonist Jew, who thus revives one of the oldest beliefs of the Aryan race, is very far from the Jehovah of Moses; but still he is preparing an alliance between the men of the ancient law and those of the new. Numenius — who said concerning this great Alexandrine Jew, "Is it Philo who platonizes, or Plato who philonizes?" — admitted an analogous trinity, formed by emanation from the supreme God.³

The God of the Stoics, lost in the bosom of the universe, was therefore becoming the personal God, uncreate, eternal, who has produced all things and who governs creation by His Word, as Caesar

¹ *Isis and Osiris*, 2. Cf. Murray, *op. cit.* ii. 280.

² A marble Hermes found at Herculaneum (Museum of Naples, No. 114).

³ Nevertheless, the doctrine of the Logos exists already in *Ecclesiastes*, and in some of the Apocryphal books, whence Saint John borrowed it, and raised it to great importance.

⁴ Cf. Ritter, *Hist. de la philosophie*, iv. 427.

governs the Empire by his wisdom.¹ One God, one earthly sovereign: the two beliefs attracted one another; later it was said: One law, one king.

This conception, found at Alexandria at the beginning of the Christian era, which is published, with variations not now to be noticed, by Plutarch under the Flavians, Aristeides under the Antonines, Maximus of Madaura under Theodosius, and the Platonists in all periods, continues therefore through the four first centuries of the Empire. It may be reduced to these terms, which formed the basis of the theological teaching in the school of Plato.—God, incomprehensible to us in His essence, manifests Himself in the external world by the harmony of creation; in the heart of man, by conscience; in the world of ideas, by the Word, the archetype of the True, the Beautiful, and the Good, the Eternal Truth which enlightens men, the Divine Mediator between the human race and God. In a word, two grand conceptions arose above the confused beliefs,—that of a first principle, the only God, and that of the λόγος, at once the providence of God and the light of men's minds.² These ideas took such a hold that Saint Justin considered the pagan philosophy as an unconscious and feeble reflection of the Divine Word, of which Christ was the brilliant and complete revelation.³ Under the Christian form of three hypostases of one and the same supreme nature,—the Father, or the divine essence; the Son, or His creative intelligence; the Spirit, or His vivifying power,—the belief in one God and in His Word was soon to exercise an extensive sway.

This omnipotent God, Father of men, owes them justice. To show that this justice was done them it became necessary to admit another dogma, that of the immortality of the soul. In the Greece of Homer and in the Palestine of ancient times this belief was obscure. The Greek and Roman dead in the Elysian Fields had a less

¹ Quintilian (*Inst. orat.* v. 10) comes near propounding as a necessary conclusion, that since there was a universal providence, there ought to be only one head to the Empire.

² Lactantius (*Inst. div.* iv. 9) says: "The λόγος of the Greeks *est et eorum et sapientia Dei*;" and he adds: "Zeno calls λόγος the *rerum naturae dispositorem atque opificem*." On the λόγος of the Platonists and Alexandrines, cf. Villoison, *Theologia physica stoicæ*, p. 443, joined to the edition of Cornutus.

³ It was believed by many that in the general plan of education which God had prepared for the human race there had been, as it were, three successive revelations,—by the Old Testament given to the Jews, by the philosophy of the Greeks, and by the New Testament of the Christians. This was an attempt at conciliation made by honest minds, but an impracticable one.

vague existence than the *rephaim* of the Jews in their *sheol*.¹ This shadow of life was but a miserable recompense; and yet certain philosophers of the last days of Greece believed that even this was to grant too much to human nature. The Epicureans — in whose opinion the gods were only phantoms which men should banish from their minds — naturally ended our existence with this world. The Cynics thought the same. “Is the soul immortal?” Demonax was asked. “Yes,” he replied, “like everything else;” and we have read his definition of the free man: “He who fears nothing and hopes for nothing.” The elder Pliny did not believe in another life,² and his nephew makes immortality to consist in living in men’s memory.³ The Peripatetics were of the same opinion. The man who in the third century was called the second Aristotle, Alexander of Aphrodisias, maintained that his master did not think differently. A number of Stoics held the same doctrine, after the example of Zeno, and the most perfect of them, Marcus Aurelius, was not sure whether all did not end with death.⁴ Galen, who speaks so much of the only God, remained undecided on the question of immortality. — “a knowledge,” said he, “not absolutely necessary for the acquisition of health or virtue.” Tacitus also would like to believe, with the author of the *Somnium Scipionis*, “that there is a place reserved for virtuous men, and that great souls are not extinct with the body;” yet for the final farewell he could find these words only: “Repose in peace,” which do not express, like the *Requiescat in pace* of Christians, a rest awaiting the resurrection.⁵

One can never be sure of grasping the fluctuating thought of Seneca; he says indeed: “Will you forbid me from seeking to penetrate the secrets of heaven? Do you wish me to have my head

¹ The *rephaim* are not in *sheol* condemned to eternal sleep, as the story of the Witch of Endor evidences; but the doctrine of rewards and penalties is not to be found in *Proverbs*, *Ecclesiastes*, *Leviticus*, *Deuteronomy*, or *Job*. Situated between Egypt and Persia, — that is to say, between the two countries which professed the most energetic belief in a life to come, — Judaea at last ended the uncertainty of its patriarchs on this question, and added to the great principle of the divine unity that of the resurrection and judgment of the dead. It was after the Captivity, especially in the time of the Maccabees, that this belief became popular among a part of the Jewish people.

² *Hist. nat* vii. 56.

³ *Epp.* ii. *ad* *fr.* “Just like the modern Comtists. — Ed.]

⁴ The Stoic school nevertheless believed in a temporary immortality, till the destruction of the world by fire, when all would end.

⁵ *Tac.* *Agro.* 46.

always bent towards the ground? I belong to too good a place, and am born for grander things.”¹ Then, rising on Plato’s wings, he sees the souls of the just sojourning for a time above our heads, to be purified from all stain, then shooting into the ethereal sphere and mingling with the sacred multitude of the blessed, who draw all knowledge from the source of Truth.² Unfortunately, he has just said in the same treatise: “Be well persuaded that the dead suffer no pain. That hell which is depicted as so terrible, is but an invention of the poets. Death is deliverance; it restores us to the tranquil sleep which we were enjoying before birth.”³

These ideas were more widely diffused than is generally believed. “You know,” says Plutarch to his wife, “that there are those who persuade the multitude that the soul when once freed from the body suffers no inconvenience nor evil, nor is sensible at all.”⁴ Some inscriptions speak of it as an eternal repose, an eternal security.⁵ “Once, I was not; to-day, I am no longer: but I know nothing about it, and little do I care.”⁶

Here is an inscription, doubtless from the tomb of a scholar: “In Hades there is neither bark, nor Charon, nor Aeacus, nor the gate-keeper Cerberus. All we whom death sends thither are only bones and ashes.”⁷ Others recall the pleasures of life and advise their enjoyment: “You who are still living, eat, drink, amuse yourselves, then come hither;”⁸ “where,” says another, “there is neither laughter nor joy.”⁹ “So far as I have lived, I have lived; what I have drunk and eaten, that alone is now with me.”¹⁰ This is the inscription of a mercenary soldier; the one that Pope

¹ *Epist.* 65.

² *Ad Marc.* 25.

³ *Ibid.* 19, and *Epist.* 24: *Mors nos consumit . . . Consumptis nil restat.*

⁴ *Consol. ad wvor.* 10: . . . *Nullum malum, nullum incommodum esse iis qui soluti sunt corpore.*

⁵ *Quies aeterna.* Cf. Or-Henzen, Nos. 1,192, 4,428, 4,849, and the chapter on the *Sententiae sepulcrales*, passim. L. Renier, *Inscr. d’Alg.* Nos. 946, 947, 1,546, 1,755, etc.

⁶ Orelli, No. 4,809.

⁷ *C. I. G.* No. 6,298. The scoffs of the educated class had not killed old Charon, for he still lived in the popular beliefs of modern Greece, where the practice of putting between the teeth of the departed the coin required by the fatal ferryman was perpetuated down quite to the Middle Ages (Friedlander, *op. cit.* iii. 632). The deceased was also offered some *kollyra*, or cakes of boiled corn, raisins, almonds, and pomegranate seeds (A. Dumont, *Mém. sur les bas-reliefs représentant le banquet funéraire*).

⁸ *C. I. L.* vol. ii. No. 1,434.

⁹ Marini, *Inscr. Alb.* p. 117, 3.

¹⁰ Henzen, No. 7,407.

Urban VIII. caused to be shattered was still more ignoble.¹ Certain pagans had no more modesty in death than in life; and there are always unclean souls who, when religious faith has gone, are left a prey to the basest instincts.

Yet much greater was the number of minds to whom an empty heaven and the nature-god were not sufficient. On a funeral pillar are represented Aedipus and the Sphinx. — Life questioning Death. But Death never reveals the secret: and in presence of that Nothing which some accepted, others were driven even to renounce life. "To die," they said, quoting Heraclitus, "to die is to wake."

Two schools offered a refuge to the spiritually minded. — Pythagorism, with its grand doctrine of the transmigration of souls, and, as the inference from it, successive trials and purifications; Platonism, with its hopes of immortality, vaguely held by the master, but now stated positively and in definite form by the disciples. Both were destined to be united in the school of Alexandria, which sought to give new life to polytheism, on the one hand explaining it by means of allegories and metaphysics; on the other, bringing together, by a powerful effort of eclecticism, the religious traditions of all peoples, under the control of philosophy: subtle distinctions, ingenious interpretations, forced agreements, useful for refined minds, incomprehensible to the masses, and consequently of no influence upon them. But this school only began about 193 with Ammonius Saccas; its history belongs, therefore, to the subsequent period.

Plutarch, who starts especially from Plato, made a vigorous effort to defend the dogma of the one God, of His providence, and of the immortality of the soul. To the Epicureans, who, in order to deliver man from the terrors of hell, deprived him of the hope of eternity, the Chaeronean sage replied: "Very amiable things must those be that come to us from the gods; but those that are persuaded otherwise, obstruct the very sweetest part of their prosperity, and leave themselves nothing to turn to in their adversity, but when they are in distress, look only to this one refuge and port, — dissolution and insensibility: just as if in a storm or tempest at sea, some one should, to hearten the rest, stand up and say to

¹ *Ibid.*, No. 7,410.

them: Gentlemen, the ship hath never a pilot in it, nor will Castor and Pollux come themselves to assuage the violence of the beating waves or to lay the swift careers of the winds; yet I can assure you there is nothing at all to be dreaded in all this, for the vessel will be immediately swallowed up by the sea, or else will very quickly fall off and be dashed in pieces against the rocks." Another Platonist, Maximus of Tyre, wrote: "Neither is the decay of the body unpleasant to the generous soul, but as a man in chains, while he sees the wall of his prison decaying and crumbling, he waits for liberation from his bonds that he may survey the ethereal regions and be filled with splendid light."¹

Loving hearts had not waited for philosophers to teach them to doubt annihilation. The following words, taken from inscriptions, convey at the same time resignation and hope: "Pluto is not so malicious."² "When thou diest, thou art not dead," says another, unfortunately much corroded.³ "No," writes a father on his son's tomb, who died in Numidia, "no, thou dost not descend to stay with the Manes, thou risest towards the stars of heaven."⁴ At the other end of the Roman world⁵ a mother carves on the sepulchral stone of her child: "We are afflicted by a cruel wound; but thou, renewed in thy existence, livest in the Elysian Fields. The gods order that he who has deserved the light of day should return under another form; this is a reward which thy goodness has gained thee. Now, in a flowery mead, the blessed, marked with the sacred seal, admit thee to the flock of Bacchus, where the Naiades, who bear the sacred baskets, claim thee as their companion in leading the solemn processions by the light of the torches."⁶

¹ *Diss.* xli. Plato had already said: "The soul is an immortal existence, inclosed in a perishable prison; death is a sort of resurrection. So the soul of the dying sage is open to the sublimest truths."

² *Comptes rendus de l'Acad. des inscr.*, 1862, p. 174.

³ Miller, *Mél. de philol.* i. 37.

⁴ L. Renier, *Inscr. d'Alg.* No. 3,421.

⁵ At Doxato, near Philippi, in Macedonia (Henzey, *Mission de Macédoine*, p. 129).

⁶ The study of monumental figures has brought M. Ravaisson to the same conclusions as those gained from the study of written monuments. "With the passage of time the figures by which belief in another life manifested itself, vague and confused at first, instead of disappearing, become more definite and positive. Ideas regarding the destiny of souls grow more and more noble; increasing honors are paid the dead. In addition, these ideas and practices extend by degrees to a larger number. At the beginning, it seems as if men concerned themselves only about the fate of kings and heroes, children or direct descendants of the gods; but in time many others obtain a share in these solitudes, and finally all, or nearly all.

The development of this idea may be followed in the successive transformations of a charming myth, that of Psyche, the human soul, which, purified by love and grief, becomes immortal.

Philosophy and many minds were then in possession of this twofold idea,—the divine unity and the future life, or the resurrection. Men could therefore resume with more force the question of rewards and punishments, and arrive at a clearer conception of the future life. Plutarch devotes to it two treatises, those concerning *Superstition*, and the *Delays of Divine Justice*, which are counted among his best works.¹ One expression in the latter treatise sums up his belief of the part played by Providence: “Man is but shut up in this life, like a close prisoner in a jail, whence it is impossible to make an escape.”

BACCHUS.²

Sooner or later, on earth or in the next world, in his own person or in his descendants, he receives his punishment.

The pagans did not recognize, any more than did the early Christians, the purely spiritual nature of the soul.³ The shades of the dead, formed of a subtile, imperceptible matter, still experienced the wants of humanity, its pleasures and its pains. They were hungry and thirsty: hence the libations and offerings made at their tombs: the funeral repasts which were celebrated there,—a kind of communion with the dead man;⁴ the objects which he had loved placed near

* Happiness is reserved for those who resemble the gods:’ that is an ancient maxim which nothing can change. In time, the conception of this resemblance to the gods, or of perfection, which means the same thing, becomes such that all men may aspire to it” (Ravaisson, *Le Monument de Myrrhine et les bas-reliefs funéraires*, 1879).

¹ See in Gréard, *Morale de Plut.* pp. 265–294, an analysis of these two treatises, and the commentary upon them.

² Marble bust in the Museum of Naples.

³ Tertullian, *De Anima*, 5: . . . *Animam nihil esse, si corpus non sit.* Saint Basil, Saint Athanasius, Saint Jerome, sometimes even Saint Augustine, have had this material conception of the soul.

⁴ *De Superst.* 4.

him; even the sacrifices of living creatures, as a horse, a slave, to serve the master in another existence. Achilles sacrifices captives to furnish Patroclus with a guard of honor in the Elysian Fields, as the warrior of the prairies is buried with his arms and his horse. Corresponding to the world of realities was another world, quite as real for the pagan, of spectres and phantoms, benevolent or hostile.

These shades could also experience moral pleasures and suffer physical pains, since the belief in another life led those who accepted it to admit the idea of rewards and punishments. The popular imagination, so rich as regards the torments of hell, has always been very meagre in respect to the delights of Elysium. The "blessed ones" of Homer and Vergil have a very dull existence. "Do not console me about death," says Achilles to Ulysses; "I had rather till the ground as a hired laborer than reign here over all the shades." The common crowd of the dead had a low grade of joys, showing the effects of pagan sensuality. As for the damned, invention had been more successful; but how far Plutarch in his description of hell falls below the terrible grandeur of the Florentine poet!¹ From the fact of living, human nature has learned more tortures, and its poets have been able to vary the punishments of the lost. In spite of this relative scantiness, the old myth of the vengeful Furies caused many believers to tremble, and however incomplete this moral sanction might be, a sanction it was.

Not every sinner fell into their formidable hands. Below the upper region, where virtuous souls lived in eternal serenity, and yet above the abyss which echoed with the cries of anguish of the damned, a perpetual whirlwind drove hither and thither those souls whose crimes were not inexpressible. The abyss itself had three circles, three degrees of punishment: going on from the milder, to the more terrible. Over the first presided *Pœna*, or Chastisement; over the second, *Diké*, or Justice; over the third, *Erinyes*, or Vengeance.

This page of the treatise, *Delays in the Justice of God*,² brings to mind the *Divina Commedia* of Dante and the purgatory of the

¹ *De Genio Socr.* 22. Cf. in Plato (*Rep.* x. *ad fin.*) the relation by Er the Armenian of what he saw in Hades. Cicero (*Scipio's Dream*), Vergil (*Æneid*, vi.), Plutarch (the *Dæmon of Socrates* and the *Delays of Divine Justice*), have also attempted to reveal to us the mystery of the other life.

² Sect. 22.

Roman Catholic Church. The most popular of Roman poets, Vergil, had a similar notion. "Some souls," he says,¹ "are incessantly beaten by winds, others are purified by fire. After a thousand years they are freed from the pollution of earth, but it is to be clothed in new bodies." The resemblance goes no farther. For the Christian the other life is the true life: in the case of the pagan, this one is the most certain, and, to most minds, the best. Accordingly, many looked forward with terror to the approach of that moment when remorse should seize them.² By initiation into the mysteries, they attempted to reach a state of grace, and by purifications and prayers to escape the expiations of the other world.



YOUNG HER-
CULES.³

It does not appertain to the historian to say what of scientific exactness is lacking in all these philosophies, but it is his duty to inquire what their influence has been on society. The world is not governed by logic, and noble words, tending to awaken in the depth of the heart the feelings therein hidden, have more effect than the best-constructed syllogisms: witness Seneca and Plutarch, who, though by no means great philosophers, have nevertheless exercised a powerful influence upon general education. Now the inscriptions and figures on tombs, the favorite mythological representations, — Proserpine restored to the light of day, Alcestis awaiting her spouse, Hercules triumphing over death, and the joyous scenes or the tranquil happiness of life in Elysium, — which so many funereal bas-reliefs reproduced,⁴ testify to the anticipation of another existence.

This belief entailed that of constant communications between the world of the living and that of the dead. In the twilight or in sleep, especially at night or in the shades of the forest, men believed that they beheld the spirits of those whom they had loved, spectres, *larvæ* or *lemures*, whose influence was feared, and the troubled souls of those who, having died a violent death, had not

¹ *Aeneid*, vi.

² . . . *Peccatorum suorum tum maxime poenitet* (Cic., *De Div.* i. 30). M. Boissier (*La Religion romaine*, i. 345) remarks that this expression of Cicero seems quite Christian.

³ Silver coin of Rhodes.

⁴ M. Ravaissou has pointed out, in the memoir cited above, that the scenes of farewell represented on so many bas-reliefs and funerary vases were often scenes of reunion in Elysium.

been able to find a tomb. In this other existence they seemed to have acquired a formidable or beneficent power; accordingly, to appease the Manes, three festivals were celebrated yearly, — on the 24th of August, 5th of October, and 8th of November, — when the



THE PARTING OF ADMETUS AND ALCESTIS.¹

mundus, a deep ditch set apart to the infernal divinities, was opened, from which came forth at that time the troop “of silent spirits.”² Dion Cassius, Philostratus, Pausanias, saw spectres everywhere, and the younger Pliny believed in apparitions.³

¹ Etruscan amphora of the Luynes collection, in the *Cabinet de France*. Alcestis throws her arms round the neck of Admetus. Behind the king a winged Genius holds a serpent in each hand. Behind the Genius is the entrance to Hell. On the left of Alcestis, Charon holds up a heavy mallet.

² Preller, *Röm. Mythologie*, 456.

³ *Epist.* vii. 27.

The ancients desired to question these dead men, — amid whom they lived, since the tombs were placed at the entrance of the cities and along the great public roads, — these genii who unceasingly went and came, invisible but close at hand, and thus to penetrate the future. Hence the invocations, the charms, the magical sacrifices, — which were sometimes abominable crimes, as the murder of children, of which several Emperors were guilty,¹ and of which the Christians were falsely accused. The romance of Apuleius, which represents in action the black art of the sorcerers of Thessaly, shows how much the men of those days were occupied with the mysteries of the grave and the world of spirits.

We must not expect to find in this belief a distinct dogma, although it dates from a very early period, being taught by Plato² and Pythagoras; and it can be traced even farther back. The repugnance to annihilation, and the need of explaining the existence of evil without throwing the blame of it upon the gods, had peopled the lower world and the space between the sky and the earth with innumerable existences, — the souls of the just or tutelary genii, those of the wicked or malevolent daemons. From this belief (vague and ill defined, but all the more popular on that account) philosophy had derived the theory of the genii. — a convenient doctrine, whereby the idea of the divine unity was harmonized with respect for the established religion. Executors of the decrees of Providence, these genii or daemons were in constant relation with the earth, strengthening the good, like the guardian angels of the Church, terrifying the wicked, and presiding over all the acts of civil and religious life.⁴ It seemed as

¹ Dion, lxxiii. 16; lxxix. 11.

² The teaching of Plato on daemons is found especially in the *Phædo* and the *Symposium*. "The daemons," he says in the latter work, "fill up the space which separates heaven from earth. They are the bond which unites the great All with itself. As the divinity has never any direct communication with man, it is by the mediation of daemons that the gods hold intercourse with him in the evening shades or in sleep."

³ *Symposium*, 28. Cf. Maury, *op. cit.* iii. 424. Henzen has given in his Index (pp. 27-29) the curious list of the names of genii supplied by the inscriptions. Among the *geni* of the *excubitoria* occupied at Rome by the guards, is found an invocation to the genius of the corns, and in a Dacian inscription another to the genius of the excise. A veteran dedicates a *Genius defensor genio centuriæ* (Orelli, 941) to the health of the Emperors.

⁴ *Periut theologi, in breui orbi's lucubris cunctis, sua firmitate fidei, l'el'os quædam velut actus r'et'ra mundum sociant* (Amm. Marcellin., xxi. 14); and he quotes two lines from Menander reproducing the same thought: "At the side of every man on his entrance into the world is a familiar genius, who guides him in his existence."

if all the good and evil that happened to mankind could be explained by the action of this somewhat undisciplined army, whose chief resided in the depths of the empyrean, calm in his impenetrable designs. The complaints of earth never reached as far as this divinity, the author of all good; they were arrested by the evil genii, authors of all ill, who would some day have to answer for it before the supreme judge.

Maximus of Tyre, who is supposed to have been one of the instructors of Marcus Aurelius, had, like Dion Chrysostom, travelled extensively, and, like him, discoursed much, spreading the precepts of sound morality and the belief in the immortality of the soul. He often recurs to this theory of the genii. "For when the soul," he says, "is liberated hence, having divested herself of the body, and left it to be corrupted in the earth in its own time and according to its own law, she becomes a daemon instead of a man, and with pure eyes surveys herself, being neither darkened by flesh nor disturbed by color, nor confined, as with a wall, by turbid air; but she beholds beauty itself with her own eyes, and rejoices in the vision. Then, too, she bewails her former life, but proclaims the present blessed. Then she bewails the condition of her kindred souls who still revolve about the earth, and, through philanthropy, she is willing to associate with them and correct them when they deviate from rectitude. But she is ordered by divinity to descend to earth and become mingled with every kind of men, with every human fortune, disposition, and art, so as to give assistance to the worthy, avenge those that are injured, and punish those that injure.¹

"I will indicate to you by a more perspicuous image what I have said," he continues. "Conceive a mighty empire and powerful kingdom, in which all voluntarily assent to the best and most honorable of kings. But let the boundary of this empire be, not the River Halys, nor the Hellespont, nor the Moeotis, nor the shores of the Ocean, but heaven and earth: that above, and this beneath; heaven, like a circular, infrangible wall of brass, comprehending everything in its embrace, and earth like a prison in which noxious bodies are bound; while the mighty king himself, stately seated as if he were law, imparts to the obedient the safety which he contains in him-

¹ *Diss.* xxvii.

self. The associates of this empire are many visible and many invisible gods, some of them encircling the vestibules themselves, as messengers of a nature most allied to the king, his domestics, and the associates of his table; but others being subservient to these, and again others possessing a still more subordinate nature. You see a succession and an order of dominion descending from divinity to earth.



THE OCEAN PERSONIFIED.¹

“God, therefore, being established in his own region, governs the heavens and the order which they contain. But there are secondary immortal natures proceeding from him, which are called secondary gods, less powerful than divinity, but more powerful than man.”²

Apuleius thought the same.³ But if the gods honored under so many names were only the personification of forces set in action

¹ Marble statue found on the Campus Martius, and called Marforio by the Romans (Capitoline Museum).

² Denis, *op. cit.* ii. 228.

³ “There are certain divine powers of a middle nature situated in the interval of the air

by the divine power, there was no reason, if this interpretation were admitted, to refuse them a homage which ascended to their common master. None of the philosophic schools therefore attacked the established worship directly, that of Epicurus no more than that of Zeno.¹ The pupils of Socrates, whatever name they took, like their master, sacrificed on all altars, and by doing this escaped the peril which the Christians encountered. In this they showed no hypocrisy. Plutarch, the high-priest of Apollo, fulfilled his sacerdotal functions with the zeal of the early days. He found a great comfort in them, without the least scruple of conscience. The genii made all clear to him; by them he preserved the dogma of the one good God. Moreover, one of the first adversaries of Christian dogma, the philosopher Celsus, declared he could see no difference between the angels of the new doctrine and the daemons of Plato.² The Fathers of the Church accepted the Platonic system, but used it as a weapon against polytheism, explaining as the result of Satanic power the oracles and miracles by which paganism gained authority.³

We have not yet spoken of the Gnostics. It was needful to reserve for the end of our review the intellectual fact which best characterizes the period which we are studying; namely, the medley of systems. Thanks to the "Roman peace," the peoples were no longer at war; but the philosophies and religions were in conflict, each shattering against some adversary its particular forms, and all of them interchanging ideas, rites, and even the dress of their priests, up to the moment when nearly all of them will unite in Catholicity, that is to say, in universality.

Gnosticism, the complete expression of this confusion, was its natural product. Composed of elements borrowed from the doctrines

between the highest ether and the earth below, through whom our aspirations and our desires are conveyed to the gods. These the Greeks call by the name 'daemons;' and being placed as messengers between the inhabitants of earth and heaven, they carry from the one to the other, prayers and bounties, supplications and assistance, being a kind of interpreters and message-carriers for both" (*De Deo Socratis*). This book of Apuleius is an eloquent exposition of Socratic ethics.

¹ Plutarch (*Stoic Contradictions*) shows the disciples of these two schools sacrificing to the gods. Yet they, especially Epictetus, opposed divination, which, being personal to the inquirer, had no necessary bond with the established worship, so that to neglect it was no revolt against the state religion.

² Origen, *Contra Celsum*, v. 4.

³ Cf. Maury, *Hist. des relig. de la Grèce ancienne*, iii. 429 et seq.

then dominant in the Empire,—Jewish, Christian, polytheistic,—even from the religions of Chaldaea, of Persia, and perhaps of India, it was neither a philosophy, or rational system, nor a religion; that is to say, a law, a book, a sacred text. In it imagination played the principal part, and caused the mind to be exposed to all sorts of adventures. Adepts of a mysterious science which they styled a direct emanation of the divinity, the Gnostics had no body of doctrine, and consequently were not united by the bond of a com-



GNOSTIC STONE SERVING FOR AMULET OR TALISMAN.¹

mon dogma nor by the discipline of a common church; accordingly, Gnosticism had numberless aspects. By the side of the grossest practices was seen the highest spirituality. At bottom, it was a school of mysticism; that is, of religious disorder, and sometimes immorality, by reason of its proud indifference to works. Thus, Basilides taught that the “perfect” were elevated by the force of piety above all law, and that no vice was in their case a defilement. Gnosticism was necessarily the mother of numerous heresies which, after having disturbed the Empire, were destined to reappear as a very formidable enemy in the darkest period of the Middle Ages.²

¹ A symbolic medley of Roman beliefs and Egyptian ideas. Crystal, emerald-color, published by Caylus, *Recueil*, etc., pl. 65. In the centre Jupiter, with the thunderbolts, surrounded by the Egyptian serpent, holding his own tail, — a symbol of eternity. Below, the crocodile; on the sides, Castor and Pollux; above, Janus, Cybele, or Rome, and the hawk, the Egyptian symbol of the sun.

² On the gnosis, see Matter, *Histoire du gnosticisme*. An analogous movement of confused

These are many different systems: they have, however, a common tendency,—contempt for the flesh, the worship of the spirit, and the belief, from day to day strengthened, in a divine Providence. All philosophy then tends towards idealism, and all religion towards mysticism. The world goes forward into the future by these two roads, which often become one: and among the descendants of Cato and Fabricius, in this people of self-seeking workers or greedy usurers, many are already possessed by mystic ardor. The populations of the Oriental provinces, where religious exaltation is endemic, were the first to be stirred by this excitement; those of the West yielded to it by degrees. Now we see how it becomes possible to make these men relinquish earth, which they so much desired to hold, for heaven, which is given them in hope. We see how, by the current of the age, the evangelical preparation came about; how all was gradually made ready in the pagan world for the triumph of those spiritual ideas which had first appeared in the teaching of Anaxagoras, Socrates, and Plato, as philosophy; in the mysteries, under the covering of symbols; and of which Christianity will be the religious, that is to say, the popular, form. The course of events is always thus. Neither in history nor in nature is there any sudden revolution. The beliefs that are dying out, meet those that are coming into life. As the continents slowly change their form, slowly also do ideas make their way in the human race, and those which a new doctrine considers after its triumph to have been enemies, have often in reality been only its precursors.¹

VI. — CHRISTIANITY.

IF we were writing the internal history of Christianity, it would be our duty to recognize and follow other currents of ideas which have contributed to form its mighty stream. It was not without

spirituality, interpretations, and allegories gave birth also, about the time when Christianity began, to the Kabbala, the teaching of which has been proved by M. Franck, in his work on *The Kabbala, or the Religious Philosophy of the Hebrews*, to be both pantheistic and mystic.

¹ This is the opinion of a number of fathers and doctors of the Church. The Middle Ages never doubted that Socrates, Cicero, Vergil, Seneca, even Aristotle and Trajan, would sit among the elect.

result upon themselves that the Jews had dwelt among the believers in the Avesta, and that their lot was cast in the midst of a world so agitated by the religious idea. Since the time of Alexander, all the Hellenic East had been undergoing regeneration. In ancient Egypt, even in Palestine, the methods of the Greek philosophers were employed for the explanation of religious legends. The Bible had ceased to be an imperative text. The Jews of the school of Tiberias, and especially those of Alexandria, practised Saint Paul's maxim: "The letter killeth, but the spirit giveth life:" and Philo shows us how many innovations arose from the free interpretation of Scripture. But the study of the origin of Christianity and the exegesis of the New Testament are not within the domain of political history. This concerns itself with Christianity only when it has become a social fact: that is to say, when it interests a portion of the community and draws upon itself the notice of the authorities. It was, on the other hand, the duty of political history to study the developments resulting from the influence of Greek philosophy in the Roman world. It was proper to show how many things at that time concurred in creating the new spirit, which, under the direction of the Church, was to lead the Græco-Latin in paths hitherto unknown to it.

In the preceding volumes we have seen Christianity faintly discernible in the capital of the Empire as early as the time of Nero and Domitian; the proofs, at the time of Trajan, of the great progress which it was silently making; finally, under Hadrian and Antoninus, the courage of its apologists, and in the time of Marcus Aurelius, that of its martyrs.

At the death of this Emperor, Christianity had been in existence a century and a half, which it had employed in defining the doctrine of the Trinity, of the Incarnate Redeemer, of the Spirit who enlightens souls by grace, of saving faith, of the resurrection of the body for the reward of the just and the punishment of the wicked. It had made up its canon of Scripture, regulated its worship and the discipline of its first phase of existence. By the dogma of the communication of the Holy Spirit to the Church, it had prepared its further developments and established the doctrinal power of the bishops, who were clothed with the double authority given by popular election and religious consecration. The

number of works which the Church declared apocryphal, and of the heresies which it had already condemned,¹ prove its vitality. For a long time the faith had been propagated only in the lower strata of the population,² to whom it carried consolation for all forms of suffering, and that virtue, charity, which Christ and Saint Paul had taught from the beginning. It condemned riches, which seemed to it "a fruit of iniquity or a heritage of injustice;"³ and it loved poverty and suffering as the condition of the redemption of the earthly life. The philosophers, who opened their heaven only to the choicest minds, reproached it for its solicitude for the humble. "While," said one of them, "other religions summon to their worship those whose consciences are pure, the Christians promise the kingdom of God to the wicked and the foolish; that is, to those who are accursed of the gods."⁴ Celsus, in speaking thus, clearly marked the essential point, — redemption in the Church, and not out of it, by the common faith, and no longer by individual effort.⁵

How sweet, on the contrary, to the ears of the destitute were those words speaking of equality before God, of the redemption of souls by the Son of God, who had been despitefully used, beaten with rods, and crucified like a slave! The passion of Christ was their own history, and the Good News seemed brought especially to the lowly. The hero of ancient days had been the strong and the valiant, Hercules or Theseus, and at a later time the wise man: the hero of the new period was to be the saint; and all could become this, for it was by love and not by learning that Christianity proposed to conquer the world.

For ordinary instruction there are at this period no ambitious

¹ Thirty-two, on the authority of the author of the *Philosophumena*, which is a refutation of the heresies written between 230 and 240, attributed to Hippolytus, bishop of the Portus Tiberis. But a good number of these heresies proceeded from Gnostics who were only half Christians.

² Yet Pliny already had said of the Christians in the year 111: *Multi omnis ætatis, omnis ordinis utriusque sexus.*

³ Bourdaloue, quoting from Saint Jerome in the sermon on Wealth.

⁴ Origen, *Contra Celsum*, iii. 59: . . . *Quisquis infelix est hunc Dei regnum accipiet.* Whom do you call a sinner? he asks also. *Injustum, furem, murorum effractorem, concubinum, sacrilegum, mortuorum spoliatores. Ecquos alios vocaret, qui latronum constaret societatem.* (*Ibid.*) At all times, parties cast similar accusations at their adversaries, in the name of philosophy, religion, or politics.

⁵ The Stoics, according to Galen, or the author of the *περὶ φιλοσόφων ἱστορίας* (vol. xix. p. 313, edit. Kuhn), annihilated both the body and soul of the ignorant; the souls of the wise survived *usque ad flagrationem.*

systems or subtle discussions on the essence of things, no minute precepts or law difficult to comprehend. Salvation is faith in Him "who became visible in order to bring men to the love of invisible things,"¹ and the Spirit, the Divine Word, which "bloweth where it listeth," gives this faith by grace. For law, there is the Sermon on the Mount, with the adorable parables of which it was said, "Heaven and earth shall pass away, but my words shall not pass away." To attain heaven there is need only of faith and love. Plato reached the same point with Christianity when he made the whole moral law consist in the imitation of God, Ὁμοίωσις τῷ Θεῷ. But his God is not a man, and the ideal that he proposes is inaccessible. Tertullian, on the contrary, can say: "After Jesus we have nothing more to learn; after the Gospel we have nothing more to seek."² We have here the example and the law.

The Christian theology, notwithstanding the obscurities in which Saint Paul enveloped it, was full of light and life. It was personified in a God absolutely distinct from Nature: in a God-man conqueror of evil and of death, who was exhibited to the human race as the absolute type of perfection; and later was proposed to women the imitation of the Virgin Mother and her infinite love. There was nothing obscure in the metaphysical aspect of the new theology, yet lofty intellects found space in it for the grandest speculations: it was a cloudless sky, where it seemed as if everything could be reached, touched, and understood. Now, in the conflict of beliefs, the victory is always with that one whose formulas are most precise and whose symbols are most clear. The supreme god of the Aryan race, Jupiter, had been "The Heaven-Father;"³ Christianity replaced this by "Our Father who art in Heaven;" and the entire revolution is summed up in this change.

The worship was pure; it had no bloody sacrifice nor anything which did not tend to awaken the best feelings of our nature, — hymns, prayers, the reading of the Gospel, and the great act of direct communion with God. Although some, who had already begun to

¹ Preface to the Mass of the Nativity: . . . *Ut dum visibiliter Deum cognoscimus per hunc in invisibilium amorem rapiamur.*

² *De Praescriptione adv. haer.* 8.

³ This is the meaning of the word Jupiter, the Zeus of the Greeks, the Varuna of the Hindoos, the Ahura-Mazda, or Ormuzd, of the Persians, the Svarogu of the Slavs (James Darmesteter, *Rev. de l'Hist. des religions*, i. 386).

make Christianity the religion of the God of divine wrath. sought to give it a sad and melancholy exterior. for the majority it was the religion of the Good Shepherd who watches over his flock, who protects it against the raging wolf, and who brings home the wandering lamb on his shoulders. This image of grace, goodness, and love, frequently repeated in the most ancient catacombs of Rome,¹ was at that time the favorite symbol of the Christian faith. As in this all was hope, all even in death breathed calmness and

JUPITER TONANS.²

God.⁵ Christian symbolism takes its origin from the evangelical

serenity. A dove represented the soul rising towards heaven; a lamb, the flock of the faithful; a vine, covering the walls of the sepulchral chamber with its numerous branches and its purple grapes, represented by a symbol full of grace the unity of the Church, its progress, and the abundant pleasant fruits of faith. The cross, "the sign of the Lord,"² which the Middle Ages placed everywhere, with the bleeding wounds and tragic figure of the Crucified, is rare in the catacombs; but everything there is suggestive of it,—the faithful "who with outstretched hands raises his pure thought to God;"³ the ship gliding over the wave with its full sails borne by the mast and yards; the bird which rises in the air on "the cross of its wings," seeming to carry a prayer to

¹ See *Roma sotterranea* of M. de Rossi, and Roller, *Les Catacombes de Rome*.

² . . . τὸ κυριακὸν σημεῖον (Clement of Alexandria, *Strom.* vi. 11).

³ Minuc. Felix, *Octav.* 29.

⁴ A fine statue in black basalt (*Capit. Museum*, vol. iii. pl. 3).

⁵ . . . Et a'arum cruce pro nobis extendunt (Tertullian, *De Orat.* 39). On the emblem

pastorals and from the need of concealing on the tombs from pagan eyes that faith which was visible to the faithful.

Thus, simple and profound in its dogmas, pure in its morality, miraculous in its traditions, and appearing to men in the divine figure of the mild Galilæan Master, this teaching had at once that



THE GOOD SHEPHERD.¹

element of the marvellous necessary to minds enamoured of the supernatural and that elevation required by those who wished to understand their faith while they accepted it. To the anxious and unhappy it brought what they did not find, or found but imperfectly, in Oriental worships and philosophic systems, — a prom-

of the fish, see *Comptes rendus de l'Académie des inscriptions*, 1880, p. 45. The Chevalier Rossi, who has won the catacombs for science, says that the cross came into constant use only in the fifth century, and the one crucifix which has been found there is not earlier than the seventh century.

¹ Fresco from the crypt of Lucina, copied in the Museum of the Lateran. (Roller, *ibid.* pl. xvii.)

ise of salvation, and, consequently, hope. The spirit of the time desired prophesying, exorcisms, miracles: the Church furnished these; for Heaven performs them when the conscience of the multitudes asks it. "The disciples of Jesus," says Saint Irenaeus, "have received from their Master the gift of miracles; they exorcise demons, predict the future, heal the sick, and raise the dead."¹

How large was the number of Christian believers at the end of the Antonine period? Tertullian, with his lively imagination, saw them filling cities and towns, camps and tribes, the Forum and the Senate.² But the pagan of the *Octavius* still calls them "the people in darkness."³ In reality, they were a very small minority, compared to the mass of the inhabitants of the Empire. The first duty of Christians was the care of the poor. Now, a letter of Pope Cornelius of the year 251, in which it is said that the Church of Rome had aided fifteen hundred indigent persons, forbids us to suppose that this community was at that time very large.⁴ Sixty years later, the great city, the guardian of its old divinities, was still full of pagans; Constantine did not find one Christian in the Senate, and at the end of the fourth century Symmachus enumerates but very few in the great Roman families. The question as to the number of believers at this time is, however, of very slight importance; it is the ardent minorities who bring about revolutions, and ardor was not wanting in the Christians, who, after the edict of tolerance issued by Gallienus in 260, rapidly multiplied.

Educated men and the high society of Rome in the second century were not acquainted with Christianity, or knew it very

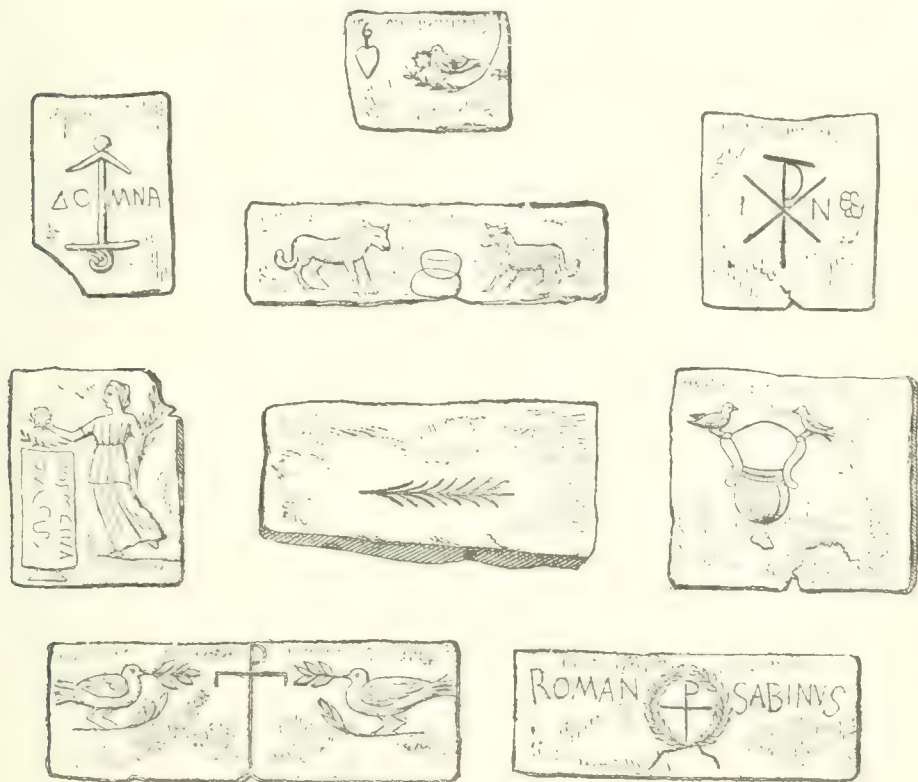
¹ *Adv. haeres.* ii. 48, ap. Eusebius, *Hist. eccles.* v. 7.

² *Apolog.* 37.

³ *Oct.* 8: . . . *Lutbrota et lucifuga natio, in publico muesta, in angulis garrula.* From Saint Jerome we may conclude (*De Viris illustr.*) that Minucius Felix lived between Tertullian and Saint Cyprian. Celsus speaks as he does, ap. Origen, *Contra Celsum*, i. 27; iii. 44 et seq.; vi. 11; vii. 42.

⁴ Eusebius, *Hist. eccl.* vi. 43. Origen (*Contra Celsum*, viii. 69) says of the Christians: . . . *πάνν ὀλίγοι.* According to Saint Justin (*Apol.* i. 68), the product of the offertories served to help "widows, orphans, and those who are in distress through illness or for any other reason, those who are in chains, and strangers who come unexpectedly." De la Bastie (*Du Souverain pontificat des emp. rom.*) estimates that in the time of Constantine "the Christians were a twelfth, possibly not more than a twentieth, part of the Empire" (*Mém. de l'Acad. des inser.* xv. 77. 1743). Beugnot (*Hist. de la décad. du paganisme en Occident*, capp. ii. and iii.) thinks the same. Chastel (*Hist. de la destruction du paganisme en Orient*) believes also that the Christians in the West formed only the fifteenth and in the East the tenth of the whole population.

imperfectly,—as we see from the works of Tacitus, Suetonius, Juvenal, the younger Pliny, Plutarch, Lucian, Hadrian, and Marcus Aurelius himself. In the writings of Apuleius, a contemporary and fellow-countryman of Tertullian, and a man curious “respect-



CHRISTIAN SYMBOLS.¹

ing divine things.” there is not a word from which we can infer that he had the slightest idea of its existence.² Some took it for one of the numberless philosophical sects. When Novatius left the Church, he said: “I am going to another philosophy.”³ But every day its strength increased, because it alone was able to cure that malady unknown to the sceptical and light-hearted generations,

¹ The anchor, the doves, the lamb, the monogram, the palm-branch indicating the victory of the Christian triumphing over death: two doves perched on the edge of a vase to drink thence the refreshment promised to an ardent faith, *zeiripiesion*; a woman holding a palm and a crown, the symbol of victory gained by faith. (Roller, *op. cit.* pl. x. and xi.)

² Tilliemoit does not understand how it could be that “Plutarch, the most learned man of the period, the most inquisitive about all things concerning philosophy or religion, has not even mentioned their name” (*Hist. des empereurs*, ii. 295).

³ Ἐφη ἑτέρας εἶναι φιλοσοφίας ἑκατῆς (Eusebius, *Hist. eccl.* vi. 43).

which the author of the *Pseudo-Clementines* expresses in one word: "My soul is sick;"¹ and as it gave confidence in a future beyond the grave, it animated with an ardent spirit of proselytism all who embraced it. As soon as a community of believers was formed, it began to increase, "as the farm is filled with good corn at the time of harvest," and some one of them was soon found who accepted the Master's command: "Go and teach all nations." This new preacher of the word took his staff, divided his property among the poor, sure to find support himself wherever he should meet brethren, and went out to establish a new community. Nothing stopped the missionaries of the faith, neither the length of the journey, nor the anger of the populations wounded by "these despisers of the gods" in the usages and affections of their public and private life. If ever men appeared to their contemporaries the irreconcilable enemies of the established order, assuredly it was these Christians who, at each step into the midst of this society, ran against some idol which they wished to break, or some custom which they called sacrilege. Many perished in popular tumults, or from Trajan's time were, as rebels, sent by the magistrates to the quarries and the mines; a small number, judicially condemned, perished in the amphitheatres or under the axe of the executioner.

Meanwhile the Church began to emerge from the obscurity which had protected its origin: some pagan philosophers had already joined its ranks, and Justin had boldly presented it openly to the world. It was destined to increase rapidly, and from the reign of Commodus to make its way into the highest ranks of Roman society. The powerful and simple originality of its dogma gave it a strong attractive force; and that episcopal organization which the pagan sacerdotalism had not known, enabled it to give unity to its action and counsels, as well as to sustain the propagandism of each by the efforts of all.

For cultivated minds the old natural religion was dead, and philosophers were coming to a new conception of the divine which, in its principle and applications, was a great advancement in the religious genesis of humanity. This conception had a singular agreement with that of the Christians. Besides, the New Testa-

¹ *Homilies*, v. 2.

ment is from beginning to end only a discourse on morality, which leaves very little room for dogmatic discourse: while philosophy on its part was renouncing the metaphysical ambitions of the ancient schools. Christianity found, therefore, in pagan society a number of elements to which it could lay claim as harmonious with its own nature, and whereby it could effect an entrance into the hearts of the populations and gently incline them towards itself. These elements were the following:—

The pure morality of Seneca, Epictetus, and Marcus Aurelius, with all their precepts for the examination of conscience, for direction and preaching;

The idea of the common origin of man, and of the appropriate feeling of brotherhood;

Charity as an essential virtue;

Contempt for earthly things and bodily pleasures as a principal means of moral improvement;

The love of poverty, even of death, which drove so many Stoics to suicide and so many martyrs to voluntary sacrifice of life;

The theodicy of Plato, Plutarch, the Platonists, and Maximus of Tyre, with their spirits intermediate between God and man;

The idea of the divine unity, and the belief in rewards and penalties;

Lastly, regeneration by initiation in the mysteries, by the bloody baptism of the taurobolium or by baptism with water, by the oblation of bread and wine, and by the holy anointing of the forehead of the mystics.¹ “Your religion,” said Saint Justin to the worshippers of the heathen gods, “is nothing else than an incomplete Christianity;” and Clement: “As the Bcechantes tore in pieces Pentheus, so the philosophic sects have divided *ad infinitum* the indivisible light of the Word;”² and he presented the new doctrine as the achievement of the work begun by the human reason. Tertullian, who so proudly breaks away from philosophy, wrote the

¹ So many rites in the mysteries of Mithra resembled Christian rites that Tertullian called him *seculus Dei* (cf. *De Utriusque*, 10, and *De Bcechantibus*, 30), and Saint Justin saw in it a work of Satan; but the Christian Father was not afraid to say: “Our principal dogmas do not differ from those of the ancient philosophers” (*Apol.* i. 55); and again: “Those who have lived according to reason knew the Word before his coming to the earth, and were Christians” (*Apol.* i. 63; *Trat. cum Tryph.* 70 and 105). Lactantius says the same (*Inst. div.* vii. 7). Seneca might have written his work *De Opificio Dei*.

² *Strom.* i. 9.

famous phrase: *Testimonium animæ naturaliter christianæ*; many of the Fathers and doctors of the Church shared this sentiment, of which Saint Augustine has given the completest statement: "By the change of a few of their words and ideas, the Platonists would become Christians."¹

This philosophic Christianity even seems by an external sign to come near the ancient philosophies and to desire to be identified with them in the eyes of the multitude. Christian teachers assumed the philosopher's cloak; like their predecessors they appeared in public places, reproving the people, reproaching them for their vices, and making known the one self-existent God, Him who in the Bible is defined as *I Am that I Am*, and who at Delphi was honored with one word εἶ, Thou Art. If any were surprised to find some novel-

ties in their discourses, they replied: "We teach nothing new or extraordinary, nothing which the books of the schools and common wisdom do not recommend."²



SYMBOLS OF THE CROSS, THE FISH, THE GOOD SHEPHERD, ETC.³

A dawning Christian art was also engrafted on ancient art, now rapidly dying out. But we must not fail to recognize, though

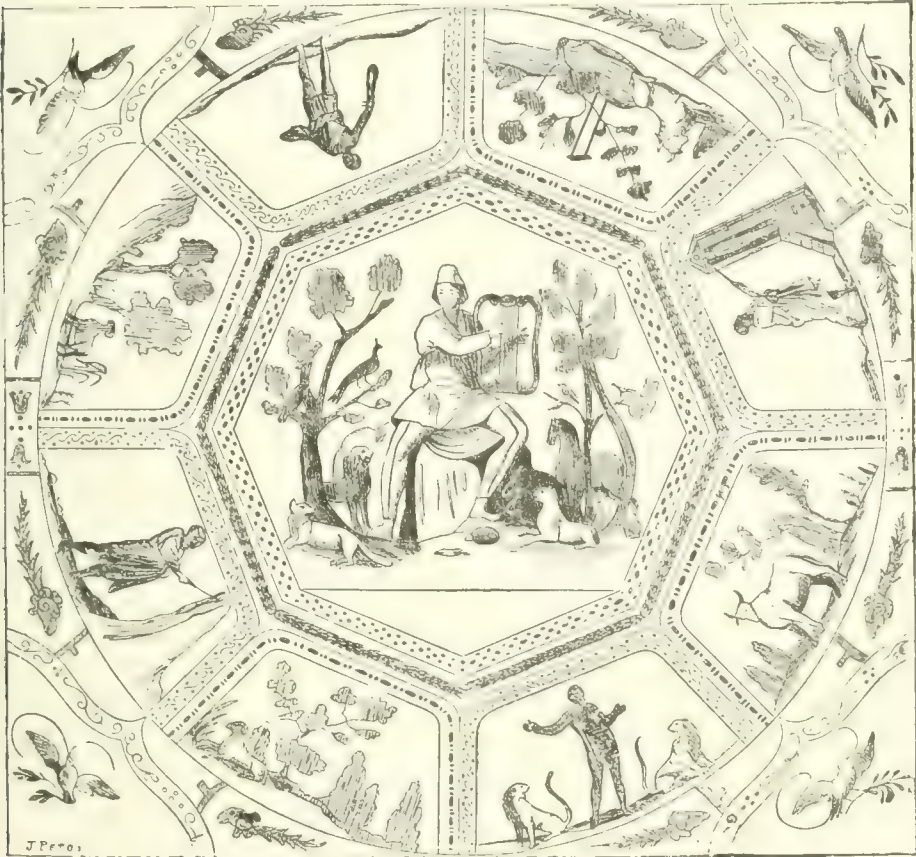
at the risk of running counter to much imaginative enthusiasm, that the paintings in the catacombs are only crude attempts. These

¹ *Paucis mutatis verbis atque sententiis christianum fierent* (*De Civ. Dei*, iv. 7). Minucius Felix says also in his *Octavius*: "It seems to me that at times the ancient philosophers agree so well with the Christians that we could maintain either that the Christians of the present day are philosophers, or that the philosophers of former times were Christians."

² . . . *Nihil nos aut uocem aut portendimus suscepisse de quo non etiam communes et publicæ literæ nobis patrocinentur* (Tertullian, *De Test. animæ*, 1). In this study of the ideas which were struggling into life in the second century, we have sought to show only the general character of the Christian idea; in chapters xci. and xcii. we shall refer more fully to the formation of dogma and discipline, because, in the time of Severus, Christendom has become a powerful body, and it is at that period that the great struggle between it and the state really begins.

³ From an engraved stone published by Garucci and Martigny. It is doubtless only of the fourth or fifth century (Roller, *op. cit.* pl. xx. No. 6).

beginnings of Christian art are to the art itself what an infant's wailings are to the masculine voice which fills the great church. It is apparent that these frescos are the efforts of poor artists working for very poor employers. Two things appear in them which are destined to endure, — symbolism and contempt for form.



ORPHEUS PLAYING ON THE LYRE.¹

In the most ancient catacombs many of the decorations are borrowed from pagan sources, but diverted from their old meanings to the expression of new thoughts. We see Orpheus playing the lyre to savage beasts: it is Christ who calms the fierce instincts of the soul: Bacchus is the god of the celestial vintage: Psyche, the

¹ Painting from the catacomb of Calixtus, which the Chevalier Rossi refers to the time of Marcus Aurelius or Commodus (*Roma sotterranea*, vol. ii. pl. 18). Around the principal subject are seen Moses striking the rock, Daniel in the lions' den, David with his sling about to slay the enemy, etc.

divine love; the Jordan, the god of streams. The Good Shepherd, who carries on his shoulders the tired lamb, representing suffering humanity, might be taken for Hermes Kriophoros, or the rustic Pan. Ulysses fastened to the mast of his ship that he may be secure against the delusive strains of the Sirens—this was the Church passing through the temptations of the world without yielding to them.¹ The seed which renews its life after having decayed in the earth, the grape trodden in the wine-vat whence the wine runs out, had been, in the Eleusinian mysteries, symbols of resurrection; they were the same to the Christian. The fish so often represented does not belong to the Graeco-Latin mythology;² but the garlands of leaves, vases of flowers and fruits, birds, and the like, surrounding the symbolic representations, remind us of pagan decorative art. In the endless transformation of things, nothing, in fact, is improvised. To express new beliefs the first Christian artists used ancient forms, just as the early Fathers of the Church so often employed the language of Seneca and Plato. But this twofold homage paid to the past will soon be forgotten. The theologians will do battle with the philosophers, and the new art will end by killing the old. The latter had realized the most perfect harmony between body and soul. To Jupiter, Pheidias gave majesty with a proud and powerful form which has remained the type of masculine beauty. Christianity, the enemy of the flesh, will reduce it to being simply a transparent, fragile covering, and in these emaciated bodies no longer will be found the ideal beauty in which the Creator must be pleased because it is His handiwork. Christian art will be a true art only when, with Raphael, it shall again become pagan by uniting the worship of form to that of expression.³

¹ De Rossi, *op. cit.* "In some of the most ancient chambers in the catacombs," says Dean Burgon, "one can at first hardly tell Christian from pagan frescoes" (*Letters from Rome*, p. 250). Christian sculpture does not appear till the fourth century.

² In the symbolism of the Fathers, the sea signifies humanity: men are meant by the fish; and the fish *par excellence* is the God-Man, Jesus-Christ. By a casual conjunction they could form, with the initial letters of the five words which designate him, Ἰησοῦς Χριστὸς Θεοῦ υἱὸς σωτήρ, an acrostic which makes up the word ἰχθῦς, fish.

³ M. Th. Roller ends his work on the *Catacombes de Rome* (vol. ii. pp. 363-365), by a series of conclusions, from which we select those relating to the first four centuries:—

"In the first century of the Christian era there were probably family sepulchres underground, having the general construction of what we now call catacombs. But nothing remains, except an insignificant inscription, from which we can with certainty carry their origin so far back as this.

"In the second century, the catacombs of Domitilla, Priscilla, Praetextatus, Lucina

VII. — SUMMARY.

THE conquest of the world by the Romans produced four revolutions as its necessary consequence : —

before passing from their private character to a collective use, show us the earliest elements of the subjects which we shall now mention.

“The parable of the vine, already enriched by extra-scriptural variations, indicates either the eternal food, or the Church in the spiritual sense; this vine is cultivated by the dead saints, or by the angels of God, who gather the vintage and express the juice of the grape. These same spirits do harvest work in the field of souls, or collect the property of God in the other life.

“In the agapae, which were an adaptation to Christianity of the ancient usage of funereal feasts, the elements of the Holy Supper were received under the forms of bread and wine. The symbolical presence of Christ is indicated in it under the acrostic of the sacred *ἰχθῦς*, — a sign of recognition between the faithful : but the two species of the communion are therein represented. The Christ himself is only represented under this mysterious hieroglyph of the fish, or as the prophetic child, or in the parable of the good shepherd, or at his baptism, while the believing soul is symbolized in the attitude of a suppliant or by the dove.

“Probably as early as this we see the magi bringing offerings to the infant seated on Mary’s knees. A prophet points to the star which enlightens the nations in the person of Jesus, a child in his mother’s lap. John the Baptist administers baptism to the Christ in the same water perhaps which flowed forth under Moses’ rod.

“The victory of the Christian over persecution and death is proclaimed by the triumph of Daniel in the den of lions, and perhaps by Susanna proved innocent.

“Life and immortality are exhibited by the entrance of a Christian into the everlasting mansions and by the miracle of Jonah. The inscriptions are simple and brief. They express chiefly affection, bonds of relationship, without worldly honors or laudations. We find those of a married deacon and of elders, *πρεσβύτεροι*, priests.

“The symbols are the anchor of hope, the dove-spirit, and the divine fish.

“In the third century, the priestly office forms a distinct order from the episcopal in the hierarchy, but the priest is sometimes a physician also. The exorcist is included in the ranks of the hierarchy. Epitaphs have on them the designation of bishops. On their tombs the popes as yet bear this qualification only.

“The preceding symbols are developed. The *ἰχθῦς* saviour takes the form of the dolphin : he carries the bark of the Church : he hangs from the anchor, the trident, as from a cross. The anchor, even the trident, conceals the death-instrument of Calvary. The masts of ships begin to take the form of gibbets.

“Christianity borrows from pagan sculpture subjects which can be adapted to Christian thought, as it has borrowed innocent allegories from painting. The expressions frequently occur : ‘he sleeps;’ ‘peace in God;’ ‘peace be with thee;’ ‘withdrawn in peace;’ ‘the peace of the Lord and Christ :’ in the Lord and in Jesus Christ :’ ‘God be with thy spirit :’ ‘thy spirit is with the saints;’ ‘he sleeps in peace;’ ‘thy spirit be in good;’ ‘he lives, thou livest, or shalt live in peace.’

“Lamps borrow from the vine, the palms, and the evangelical pastorals, symbols appropriate to religious thought. The two sacraments of the Lord have found new formulas in a subtle symbolism. The water which issued from the rock struck by the miraculous rod forms the stream in which the Divine Fisher catches men’s souls, or in which neophytes are baptized : it heals paralytics like the pool of Bethesda : it flows from Jacob’s Well to quench thirsty souls as the word of life. It becomes a sea where floats that Noah’s ark in which

A *political* revolution: the city, becoming a world, was compelled to substitute a government by one for that of many.

A *social* revolution: the conquered have taken the places of

humanity received the waters of baptism from on high and from below. The Holy Supper was prefigured by the sacrifice of Abraham, expressed in the benediction of the elements in the agapae, in the tripod bearing loaves and some *ἄθως*, in the basket of bread, and the *secedia* of the shepherd.

"The soul, refreshed and fed, with Lazarus rises again, and with Jonah passes through the monster of the sepulchre without dying.

"The three Israelitish children in Babylon pray in the furnace without being consumed, — an image of the Church passing through the fires of persecution without perishing.

"Some changes insinuate themselves into Christian thought; it borrows from paganism and the apocryphal books. Orpheus is known already as a type of Christ: Tobias is perhaps at this time admitted with his wonderful fish. We now begin to hear a sigh, the expression of a wish in favor of the dead, first that they may live in God, then that they may live among the souls of the saints or of the elect; a wish is expressed for their refreshment from God. Perhaps this blessing is asked on their behalf while awaiting the definitive reward after the resurrection. The sacrifice of thanksgiving is offered to God for them. There are doubts as to the invocation of saints at this period.

"The fourth century, from the beginning, develops the sigh and the wish in favor of the dead into an explicit prayer on their behalf. A favorable influence is also expected from their intercession: 'Ask for such a one . . .'; 'be favorable to . . .'; 'keep in remembrance in thy prayers.'

"Pilgrimages to the tombs of martyrs now become habitual. Funeral caves begin to be changed into chapels. There are celebrated rites commemorative of the death of saints; episcopal pulpits are set up there. Martyrs' sepulchres are utilized as communion-tables and become altars. Pilgrims inscribe names, invocations, and prayers on the walls; popes engrave laudatory epitaphs there.

"The epitaph of a bishop of Rome, while designating him as bishop, yet adds the title *papa*, but in an affectionate, not authoritative, sense.

"The agapae continue to be celebrated. But the hieroglyphic of the *ἄθως* is sometimes replaced by the lamb. Water is mixed with the wine. The communicants sit around a table, not as heretofore reclining on the classic *triclinium*.

"It is no longer simply the human personality of Jesus which the sculptor dares to represent in the performance of miracles, it is the Christ glorified in heaven after the ascension. Peter or Paul receives from his hand the book of life, or even the Christ, seated on the *cathedra* of the doctors, teaches the faithful.

"The apostles are grouped around Jesus without any special part being assigned to any one of them, or any mark of pre-eminence. Yet Peter and Paul are often separated from the rest, on a footing of equality towards each other.

"The scenes of the passion are not represented, but often the appearance before Pilate.

"The legend of the ox and the ass at the Saviour's crib is popularized.

"Mary is seated on a *cathedra* of honor, but without spiritual character. She is then only a human mother receiving the magi on behalf of her son and with him.

"In the course of the fourth century, Mary is (perhaps?) adorned with precious jewels. There is, however, no portrait of her, any more than of Christ or the apostles.

"The ecclesiastical hierarchy becomes more distinct. The *cathedra* is the attribute of the bishop.

"The cross is still hidden under symbols. The monogram of Christ conceals it from profane eyes under the following different forms: —

***✠†.

the conquerors by the force of numbers, of labor, and of intelligence, and the harsh and narrow laws of the Republic have become the broad and humane laws of the Empire.

A *philosophic* revolution: the different schools have become fused, as have the different peoples, and their systems have resulted in a vast synthesis. Instead of being occupied with metaphysics which divide, because proceeding from individual mental conceptions, they now study only ethics which unite, because springing from human nature, which is the same everywhere.

A *religious* revolution: at first, Rome adds to the local cults the worship of Rome and the Augusti: there is not a city in which their altar is not set up: it is the national religion. But the universal religion is coming. For the first time the world will see a form of worship which belongs neither to a city, a people, nor an empire; a religion without country, or at least one which desires no other than that of the human race.¹

Of these four revolutions, the first has been the subject of our narrative from the days of the Gracchi to Tiberius; the last, which began at the same time with the three others, was not completed until long after the Antonines; the second and third are detailed in the picture which has been drawn of Roman society in the first two centuries of our era.

If this picture be true, we shall be compelled to believe that this society had, in its civil institutions and in its manners, forces of conservation; in its ideas, forces of renewal. When we reflect on the skill of its government, where had followed one another more rulers knowing how to perform the duties of their office than any other absolute monarchy has ever shown in the same space of time;² on the discipline of its legions, the broad, active life of its populations, the vigorous constitution of the family and the city, the wisdom of its great schools of legislation and philosophy, whose last word was the unity of reason, of law, of humanity, and of the immaterial Principle of the universe. — then will it be recognized that

¹ Buddhism, before Christianity, and Islamism since, have equally had this characteristic of not being merely national religions.

² If we add to the forty-four years of the reign of Augustus the eighty-four years of the Antonine period, the entire reigns of Vespasian and Titus, a half, perhaps, of those of Tiberius, Claudius, Domitian, and the early years of Nero, we find that out of 210 years, the Empire had 160 years, not only of good government, but of good rulers.

the Empire of the Antonines was a robust body, having a grand intellectual life.

It is true that the Romans preserved three iniquities, — slavery, the abominable harshness of their penal laws, and the insulting distinction between the *humilior* and the *honestior*. Besides, the disagreement between the teaching of the wise and the life of the masses was great in this society eager for pleasure, which held, like so many others, much more firmly to its vices than to its beliefs. But slavery, with its natural consequence, the undue severity of punishments, was an institution of the law of nations which Christianity did not suppress, because only the passage of time and the progress of human thought could overcome it; besides, a contradiction between moral conduct and the ideal taught belongs to all periods. If the Empire had not contained other causes of ruin, these evils would not have been sufficient to destroy it. Unfortunately, in this aristocratic society an aristocracy did not exist able to support and hold in check its all-powerful head; and this ruler did not understand that instead of considering the Empire as an hereditary domain, he ought, after the example of Nerva, Trajan, Hadrian, and Antoninus, to leave it to the most worthy. The rights of blood won the day over those of the state. Marcus Aurelius selected a successor unsuitable both by reason of his youth and his vices for the exercise of absolute power, and this unbounded power Septimius Severus will give to the son who had sought to assassinate him; so that the orgies of despotism will be renewed. Under administrative pressure, life will cease to circulate freely in the social body, it will grow feeble, and the army, becoming daily more foreign to the civil population, will disturb the state by continual revolutions and will ruin its finances, while itself wholly losing, in the universal disorder, its discipline and its strength. Finally, the religious crisis is drawing near.

It seems that Christians and pagans might have come to a mutual understanding, since in certain respects Christianity was the religious formula of the pagan philosophies. But “from one end of the social world to the other, truths met without mutual recognition,”¹ and popular passion neutralized the goodwill of bishops and princes. While the mob in the great cities cried: “The

¹ Villemain, *Tableau de l'éloquence chrétienne au quatrième siècle*.

Christians to the lions!" and while the wits of the time pursued them with insulting sarcasms and caricatures which must have appeared to them an abomination.¹—in the ranks of the new sect there were also violent men who, instead of seeking, like Justin and Clement of Alexandria, to unite the followers of Plato to the disciples of Christ, sought to open between them an impassable abyss. Hermias borrows the wit of Lucian to hold up, in a religious pamphlet, the philosophers to derision, bringing forward the contradictions of the ancient metaphysics.² He says to them: "Everything in you is but darkness, deceitful night, perpetual illusion, an abyss of ignorance. Philosophers, see how the object of your ardent pursuit flies before you with an eternal flight; how the end which you propose to yourselves is inexplicable and vain." It is not simply the beliefs, but the very spirit, of pagan society which the Church proposes to change. The philosophic liberty of Greece had created science; the mystic idealism which is now about to take possession of the best class of minds, will delight only in theological speculations. At the head of his book Hermias had put the words of Saint Paul:³ "Hath not God made foolish the wisdom of this world?" and Tertullian angrily repeats them. He curses that civilization which the wise would gladly have saved by gently permeating it with the new spirit; he rejects compromises with horror: he is not even willing that

CARICATURE OF THE CHRIST.⁴

¹ That, for example, of the Crucified with an ass's head, written on the walls of the Palatine, which, judging from some words of Tertullian, must have been very common.

² This is the precise title of his dialogue: *The Derision of the Pagan Philosophers* (*Διασκευὴ τοῦ ἐξω φιλοσόφων*).

³ *I. Cor.* i. 20.

⁴ A personage wrapped in a cloak, with the ears and feet of an ass: he has a mitre on his head and holds a book under his arm. The *Apologia* of Tertullian (16) explains this representation: *Sed nota pro Deo nostri locusta praeconia electae edicio publicata est ex qua quidam foederalis hostis mercenarius ne cuius picturam proposuit eum ejusmodi inscriptura Deus christiana comitantes. Is erat aureus assus, altera pede ungulatus, librum gestans et togatus.* (*Cabinet de France*. Figurine of terra cotta in the Luyves collection, brought from Syria by Périétié.)

the Christian should be a magistrate or a soldier, should celebrate the victory or the festival of the Emperor. He, at least, is content with this desertion of civil duties, but there are those who cry: Woe to the rich! and who desire the destruction of the Empire. About the year 250 another African, Commodianus, allows his delight to burst forth at the news of a formidable assault which the Goths and Persians were about making upon the Roman provinces. "At last," he exclaims, "may this empire of iniquity disappear!" He believes Rome to be already fallen, and sees her "weeping in eternity, she who boasted herself of being eternal!"¹



TRAGEDIAN STRIKING
HIMSELF WITH A
PONIARD.²

Not Rome alone is condemned; the world even is about to perish. Among the people the angry oracles of the Sibyl were circulating: "Woe to the women who shall see that day! Dark clouds shall surround the world. The heavenly fires shall be flung against each other, and the stars fall into the sea. A stream of fire shall flow from the sky, it shall consume the earth, and men shall gnash their teeth when they feel the soil growing hot under their feet. . . . Fathers, mothers, children shall all be burned up in the divine furnace,

and the vast Tartarus will be heard roaring. In the midst of their tortures they will call upon death, but death will not come."³

Tertullian, who was born near the close of the reign of Antoninus, utters these gloomy words: "Ah! how the sight will arouse my derision! What happiness, what exultation, when I see so many illustrious monarchs whose reception into heaven was publicly announced, groaning now in the



CHARIOTEER DRIVING A QUADRIGA.⁴

¹ *Lugnet in æternum quæ jactabat se æternam.* Commodianus was called *mendicus Christi*.

² Engraved stone in the *Cabinet de France*. Cornaline of 10 mill. by 8, No. 1,892 in the Catalogue.

³ Boissier, *Les Origines de la poésie chrétienne*, after the *Oracula sibyllina* of Alexander, vol. ii. pp. 194 *et seq.*

⁴ Engraved stone, of excellent workmanship (17 mill. by 26). *Cabinet of France*, No. 1,866.

lowest darkness, with great Jove himself, and those, too, who bore witness of their exaltation: governors of provinces, too, who persecuted the Christian name, in fires more fierce than those with which in the days of their pride they raged against the followers of Christ! What world's wise men, besides, — the very philosophers who taught their followers that God had no concern in aught that is sublunary, and were wont to assure them that either they had no souls, or that they would never return to the bodies which at death they had left, now covered with shame before the poor deluded ones, as one fire consumes them!"¹ Gloomy images were these, desperate and threatening outcries which must have thrown terror and hatred into the hearts of the pagans.



THE GOOD SHEPHERD.²

On the other hand, polytheism, the official religion of the state, had no desire to abdicate in favor of these "beggars of Christ;" and, like Hercules in the fatal shirt, Rome can pluck it off only by tearing her flesh off with it. Accordingly, distrust and hate were to divide citizens; a cruel persecution will be succeeded by a half tolerance; blood will flow in streams, and the glorious spirit which had created the Greek and Latin civilizations will veil itself for ages. Then that Empire, which had to so many human beings been a blessing, weakened by religious war at the very time when the whole Barbarian world is making ready for the attack, will be overrun by invasions, and the peoples who had so long lived at peace under their own vine and fig-tree will see hostile camp-fires lighted in the midst of their lands.

The "Roman peace" is at an end forever, and for many centuries science and art are to be silent; but a great hope is about to be given to the world.

¹ *De Spectaculis*, 30.

² Figure on a Christian lamp in terra-cotta found at Ostia. (Roller, *op. cit.* pl. xxviii.)

ELEVENTH PERIOD.

THE AFRICAN AND SYRIAN PRINCES (180-235 A. D.).

CHAPTER LXXXVIII.

COMMODUS, PERTINAX, DIDIUS JULIANUS,¹ AND THE WARS OF SEVERUS (180-211 A.D.).

I. — COMMODUS (180-192).

THE 31st of August was a day doubly unlucky for the Empire: it was the birthday of Caligula and of Commodus. In the two hundred and ten years that Rome had had Emperors, the latter was the first “born in the purple” (*porphyrogenitus*);² but his reign was not of a character to recommend to the Romans the principle of hereditary succession. He was not yet nineteen when Marcus Aurelius died.³ His father had given him the best of tutors; but the perversity of nature rendered their cares fruitless. — for instance, at the age of twelve, finding his bath insufficiently heated, he ordered the servant who had charge of it to be thrown into the furnace. The absolute power which he inherited at so early an age completed his ruin. for those whom an old author calls “the court instructors”⁴ quickly obtained control over this

¹ The title of this chapter must not be taken strictly. Commodus, Pertinax, and Julianus are neither African nor Syrian. But the former does not deserve being ranked with the Antonines, and the two latter, who reigned so short a time, are connected by their history with the first African Emperor.

² Born, that is to say, during his father's reign.

³ Marcus Lucius Aelius Aurelius Commodus Antoninus was born August 31st, 161, and succeeded Marcus Aurelius on the 17th of March, 180. For the history of his reign we have only the shapeless abridgment of Dion by Xiphilin (book lxxii.), the first book of Herodian, which is the work of a rhetorician, and the confused biography of Lampridius.

⁴ . . . *Qui in aula institutores habentur* (Lamp., *Comm.* 1). Dion, who knew him well, says of him, however (lxxii. 1), that he was not an evil-disposed person, but extremely timid, and so simple-minded that he became the slave of those who surrounded him.



COMMODUS IN HUNTING COSTUME (STATUE OF PENTELIC MARBLE. VATICAN, BRACCIO NUOVO, NO. 8).

feeble intellect. His bust and medals represent him with the brutalized look of a man whose mind has never cherished one worthy thought.¹ Being, as he was, both vicious and timid, he was sure to be also cruel, now that a word or even a gesture sufficed to rid him of those who caused him alarm.

The imperial power was not hereditary, but the Emperors always wished to make it so, and in the absence of all great institutions of government, it inevitably became so. The imperial children found in their cradles titles and honors which would have been to a citizen the reward of a long life in the public service. At the age of five, Commodus was made Caesar; at fourteen, member of all the sacred colleges and *princeps juventutis*, although he had not yet assumed the toga; at sixteen he was consul, imperator, and invested with the tribunitian power,²—that is to say, he had all the imperial titles, with the exception of that of Augustus—the sign of the supreme rank—and of Pontifex Maximus, which could not at that time be shared. Marcus Aurelius associated him with himself in the triumph over the Germans, and took him in 178 upon the expedition against the Marcomanni. The rumor was current that the imperial sage had been aided “in restoring to Nature the elements which she had lent him.” Dion Cassius accuses the physicians of Marcus Aurelius of having poisoned him at the instigation of Commodus; but Dion was a contemporary, and contemporaries have their ears ever open to all kinds of calumnies. Two winters passed in an inclement climate were dangerous for this man of the South, whose enfeebled constitution made him old and infirm at the age of fifty-nine. If we add to this the cares of an important war, and the plague supervening, we are not compelled to charge Commodus with parricide.—the list of whose crimes, moreover, is long enough without this addition. It is worthy of mention that the latter dedicated a temple to his father with priests, Antonine flamens, and all that antiquity had prescribed for “consecrations.”³ Later, Commodus did not consider this new divinity

¹ See the bust represented in Vol. V. p. 486.

² According to the inscription on his tomb, he held, at the close of the year 192, for the eighteenth time, the office of tribune (Orelli, No. 887). He had been made tribune for the first time on the 23d of December, 176. His fourth salutation as imperator is anterior to the month of August, 179 (Cohen, *Méd. impér.*). Lampridius says that in 183 he assumed the title of Pius, *Senatu ridente*, and that of Felix on the death of Perennis in 185.

³ Capit., *Anton. philos.* 18.

to be of sufficient rank, and preferred to be called the son of Jupiter rather than of Marcus Aurelius.¹

Commodus assumed the imperial power without opposition. He was advised to profit by the exhausted condition of the Barbarians to overthrow them completely. But the young nobles, wearied by these obscure combats in the Pannonian marshes, this dull life in rude camps, under hovels of mud and reeds, reminded him of the marble villas of Tibur, the games of the amphitheatre, and the seductions of the Via Sacra, until the young Emperor became eager to return to Rome and enjoy his palaces, his wealth, and the exercise of unlimited power. He waited, however, until his father's old generals had renewed the treaty which Marcus Aurelius had already imposed upon the Barbarians.² The Marcomanni and Quadi engaged not to approach nearer the Danube than forty stadia, to give up their arms, their auxiliaries,³ their captives, the deserters, and a certain quantity of corn, which tax Commodus afterwards remitted. They were forbidden to attack the Iazyges, the Burae, and the Vandals. They were accustomed to hold markets which the Roman traders frequented; but these markets being also the occasion for assemblages of their own people, when plots were concerted and oaths interchanged, they were forbidden to hold them more than once a month, or in places other than those designated by the Roman authorities: they were watched by centurions, and forts were constructed all along the river to prevent smuggling.⁴ A similar treaty was concluded with the Burae.

The Empire might at this time feel that its sway or its undisputed influence extended through the entire valley of the Danube, from the Black Sea to Bohemia, and that the Carpathians, with the mountains of Moravia, would be its secure barrier. But Commodus had relinquished the former right of making annual levies among these warlike tribes, that is to say, of taking their best warriors to serve in the Roman armies. Moreover, he gave back to them all the fortresses of which they had been deprived.⁵ From the summit of these walls the Romans had held the Barbarians in check.

¹ Herod. i. 14.

² See Vol. V. p. 486.

³ The Quadi surrendered 13,000; the Marcomanni, not as many.

⁴ Desjardins, *Mém. épigr. du musée hongrois*, No. 112.

⁵ Dion, lxxii. 2 and 3.

and had guaranteed the security of the colonists, who, protected by Roman swords, would finally have made of these lands another Dacia. But Commodus was not Trajan.¹



THE EMPRESS CRISPINA.²

This was the last time he appeared at the head of the troops. Happily the great traditions of war were not yet lost, and there remained to Rome such generals as Marcellus, Niger, Pertinax, Albinus, and Septimius Severus, who kept strong guard against the Barbarians.³

¹ Herodian (i. 15) speaks of large sums of money given to the Barbarians to buy peace.

² Bust of the Capitol, Hall of the Emperors, No. 44.

³ Dion and Lampridius mention some few victories gained over the Barbarians of the Danube by Albinus and Niger in 182 and 184. There were more serious engagements in Britain (184) and in Africa (187-190). Cf. Eckhel, vii. 120 and 123.

The Emperor came to Rome the 22d of October, 180, surrounded by all triumphal pomp in honor of victories that he had not gained, and instead of placing upon his chariot the statue of Marcus Aurelius, the true conqueror, he caused a handsome slave to sit at his side. Vice returned into the imperial palace, where, in the time of Marcus Aurelius, Virtue had dwelt.

Leaving the care of public affairs to Perennis, prefect of the guards,¹ Commodus plunged into amusement, and a part of the Roman aristocracy did likewise. The preceding Emperors had imposed severe morals on the court. Men now compensated themselves for this prolonged

CRISPINA AUGUSTA.²THE EMPRESS LUCILLA.³

restraint by rushing into all forms of dissipation, like the young French nobles after the hypocritical austerities of the latter years of Louis XIV. The ruler, at the age of ardent passions, propagated around him the vices which were in himself. Lately it had been the fashion to philosophize; now it appeared good taste to practise every kind of profligacy. It is said that the two Empresses set the example. One of them, Crispina, the wife of Commodus, was banished to Capri, under a charge of adultery, and afterwards put to death; the other, Lucilla, daughter of Marcus Aurelius, had retained imperial honors from her marriage with the Emperor Verus: at the theatre she sat with the Emperor's family, and in the streets the sacred fire was carried before her.⁴ Her father had compelled her to espouse in second

¹ Dion, lxxii. 9. According to Herodian, Commodus reigned wisely up to the time of the conspiracy of Lucilla, which is placed in 183. But this is probably a scholar's reminiscence of the quinquennium of Nero.

² Wife of Commodus (bronze medallion).

³ Daughter of Marcus Aurelius and wife of Lucius Verus. From an intaglio in the *Cabinet de France* (red jasper, 12 millim. by 8). The name of Proclus abridged, ΠΡΟΚΛΑ, is perhaps that of the engraver. Cf. Chabouillet, *op. cit.*, *Supplément*, No. 3,509.

⁴ Ammianus Marcellinus and Quintus Curtius say that the kings of Persia believed them-

nuptials the old and respectable Pompeianus, whom she, it is said, deceived, even including her own son-in-law in the number of her lovers. But Lucilla is perhaps one more victim of those calumnies so very current in Rome, according to the testimony of Tertullian, who heard them.¹ She must have been nearly forty at this time, —an age which, for women of the South, is no longer the period of beauty or of transient amours.

The writers who have preserved to us the history of this reign fill it with monotonous accounts of cruel executions. In the whole period of twelve years we find neither a good measure of government nor a rescript improving any law, nothing which shows any care for the public interest: Commodus did not even finish the constructions which his father had begun. Yet still the Empire stands by its own weight (*mole sua stat*). Traders buy and sell, sailors traverse the seas, laborers do their work, and governors keep watch over the provinces, as if a wise ruler presided over the destinies of the Empire. The treasury still furnishes funds to assist in the reconstruction of Nicomedeia, destroyed by an earthquake,² to construct a gymnasium at Antioch, divers monuments at Alexandria, and to establish at Carthage an African fleet (*classis Africana*), in order to make good with African corn the deficiencies in the Egyptian supply brought into Ostia.³ Lastly, the soldiers still are detailed to aid in public works. The troops in Dalmatia restore a bridge over the Cetina that had been destroyed: along the Danube they construct fortified posts to keep out German marauders.⁴ If our information were more extensive it would

selves to possess a fire which fell from heaven, which they kept alive with care, and had it borne before them on expeditions on little silver altars, surrounded by singing magi. The usage is ancient, for Herodotus makes mention of it. The Emperors are believed to have adopted this Oriental custom, as they did so many others, and this fire became a symbol of their majesty. The passage of Dion Cassius referred to shows that this custom was already established at the close of the second century.

¹ *Apul.*

² . . . πολλὰ ἐχαρίσατο (Malalas, *Chronogr.* xii. 289, ed. of Bonn). Antioch had bought in the year 41 from the inhabitants of Elis, for a term of ninety Olympiads, the right of celebrating the Olympic games, and expended for them yearly a sum amounting to nearly \$200,000; but these games were not regularly celebrated at Antioch until the reign of Commodus (Gibbon, chap. xxii.).

³ Lamp., *Comm.* 37. The oldest inscription mentioning the *classis nova Libyca* is of the time of Commodus (*Recueil de la Soc. archéol. de Constantin.* 1873, p. 460. See Ern. Ferrero, *Inscr. d'Afrique relatives à la Flotte*, in *Bull. épigr. de la Gaule*, August, 1882)

⁴ Or.-Henzen, Nos. 5,272 and 5,487: . . . *Claudestinus latrunculus novus transiens*

show us the same labors carried on everywhere. Fénelon's remark in respect to the monarchy of Louis XIV., — that the old machine continued to move with the impulse originally given it, — might long be said of the Roman Empire.

Disquieting symptoms, however, are seen to appear. Under the feeble and violent hand that holds the reins, Roman discipline is relaxed through all the orders.¹ In the city riots break out; seditions announce the approaching reign of the soldiery; disorders springing up around the temples, a religious war; and the anarchy which will soon threaten the very existence of the Empire is manifested by the insolent success of a bandit pillaging with impunity many provinces. Lastly, the military spirit is growing feeble; senators desert those offices which involve actual service. One of them obtains from Commodus an exemption from military duty.²

On the frontier there is no important war during these twelve years. A Roman garrison permanently established on the Kour, in a fortress built in that remote region by Vespasian, kept the tribes of the Caucasus quiet and protected Armenia against them.³ Niger and Albinus, both destined for a fatal moment to enjoy the imperial power,⁴ seem to have been obliged to defend Dacia against the Sarmatians, and Gaul against the Frisii. In Britain, the Caledonians having broken through the line of Roman defences, Marcellus, a soldier of the old stamp, drove them back into their mountains; some similar outbreaks in Mauretania were repressed with equal promptness.

Commodus heard not even the echo of these remote sounds of war. To leave the care of public affairs to his praetorian prefect, and to send him his death-order at the faintest suspicion; to keep the children of the governors as hostages, that he might have nothing to fear from the provinces; and to make himself secure in Rome by granting all possible license to the praetorians, — it was to this that the Emperor had reduced the science of government. In regard to the finances, he had resumed the system of obtaining money by means of condemnations, — a capital sentence

¹ Spartianus, *Pescenn. Nig.* 10: *Commodi temporum dissolutio.*

² Orelli, No. 5,903; L. Renier, *Mélanges d'épigraphie*, pp. 12 and 20.

³ Inscription of 185 (*Journal asiatique*, 1869, p. 103).

⁴ Tac., *Ann.* vi. 20: . . . *D. gustalis imperium.*

bringing with it always, in accordance with the oldest Roman laws, the confiscation of the property of the condemned person; or, as in the year 188, he announced that he was about to depart on a long journey, and, upon this pretext, drew from the public treasury whatever money he desired. Having taken these precautions, he abandoned himself freely to his passion for chariot-races, hunts, and the games of the amphitheatre.

Each of the tyrants of Rome had his favorite folly or dominant vice. Caligula thought himself divine; Nero, an incomparable singer; in this infamous band Vitellius was the Silenus,



COMMODUS ON HORSEBACK STRIKING A TIGRESS WITH HIS JAVELIN.¹

and now Commodus is to be the gladiator. Seven hundred and thirty-five times he fought in the arena: combats ruinous for the treasury, which paid twenty-five thousand drachmae for each of these royal performances,²—combats without peril to the Emperor, for every arrangement was made to secure that his imperial majesty should have nothing to fear from the swords of the victims or from the teeth or claws of the wild beasts, who were often brought out in their cages. Always surrounded by Moorish or Parthian archers, Commodus excelled in throwing the spear or javelin: one day a hundred bears fell by his hand. At each of these easy and

¹ Intaglio, 15 mill. by 55 (*Cabinet de France*, No. 2096).

² This was to be paid from the funds appropriated for games; but that sum being quickly exhausted, the expense fell upon the treasury (Dion, lxxii. 19).

disgraceful victories the Senate applauded in chorus: "Thou art the master, thou, the first and most fortunate of men! Thou art conqueror and shalt ever be, Amazonius Victor!" But we know to what a sad condition the descendants of the men who once ruled the world were now reduced,—their continual terrors,



COMMODUS THE
OLYMPIAN.¹

their shameful sycophancy in the presence of such rulers!¹ One only, Pompeianus, the son-in-law and friend of Marcus Aurelius, dared to protest against this degradation, refusing to appear in the amphitheatre or even in the Senate. Dion declares that he never saw him there except in the time of Pertinax. This knight of Antioch was the Cato of his time. Old Rome still gave her

stamp to some of her later children.

But how easy for a young ruler to be deluded by all this adulation! The Senate was not alone in exhausting the whole vocabulary of servility, the people, the army all do the same; and Commodus could hear the acclamations of the provinces answering back those of Rome. The young men of Nepete subscribe to build a monument to "Commodus the Victorious." A coin of Ephesus gives to him, as formerly had been given to Hadrian, the surname of Olympios,³ and an inscription calls him "most noble, most fortunate of Emperors." In another the offering is made to "the Roman Hercules." Accordingly, "the god"⁵ respects nothing upon earth: he deprives the months of their names, and gives them others of his own choosing; he changes even the names of Rome and Jerusalem, and calls them *Coloniae Commo-dienses*. His reign is the Golden Age,—at least, so his imperial letters are dated (*ex saeculo aureo*), and his birthday is to be celebrated throughout the whole Empire. But the festival is a holiday to



THE ROMAN HERCULES.⁴

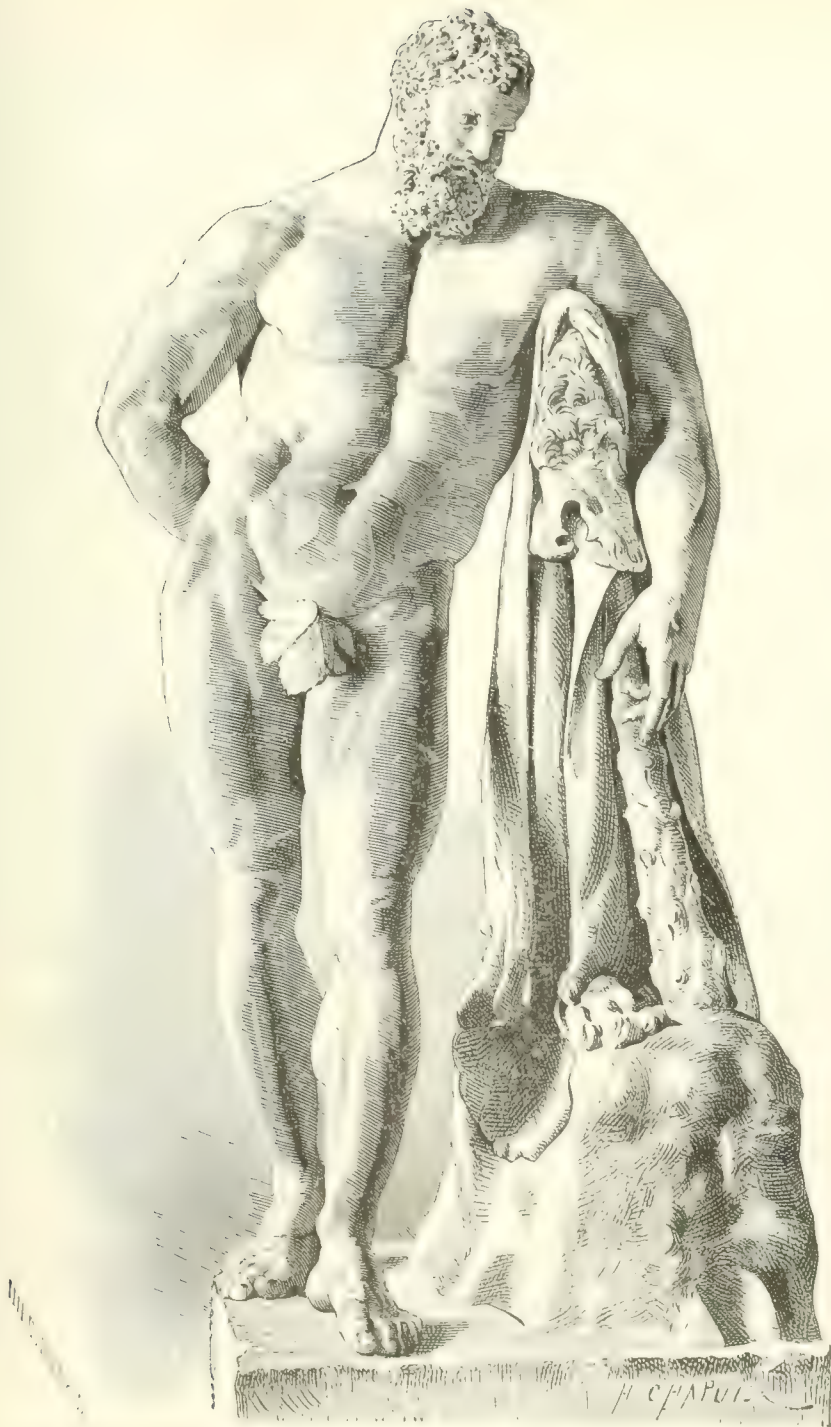
¹ See chap. lxxv. sect. iv. under what a reign of terror the senators lived.

² Bronze coin of Ephesus.

³ In respect to Nepete, see Orelli, No. 879; concerning Ephesus, Eckhel, vii. 136.

⁴ Reverse of a bronze medallion of Commodus.

⁵ *Ἐκκελεύτο καὶ θεός* (Zonaras, xii. 5). Renier, *Inscr. de l'Algérie*, No. 4,408; Orelli, No. 886.



HERCULES, KNOWN AS THE FARNESE, FOUND AT ROME IN THE BATHS OF
CARACALLA (MUSEUM OF NAPLES).

himself only, for "on that day," Dion tells us, "we senators, our wives and our children, must each give him two aurei, and the decurions of all the cities must send him five denarii apiece."¹

His greatest ambition was to resemble the son of Alcmena, who to his mind was only the god of brute strength. There was carried before him in the streets the club and lion's skin of the conqueror of the hydra; in the amphitheatre they were laid on a gilded platform, and sometimes he used them. Dion relates that having collected a great number of maimed and infirm persons taken at random in the streets of Rome, he had them disguised to represent fabulous monsters with serpents' tails, and gave them sponges instead of stones with which to defend themselves when he attacked them with his club. He imagined him-



VIRIUS P... PRIEST DRIV...
ING TWO OXEN²

self thus repeating the exploits of Hercules; and a rumor was current that the spectators seemed to him very well adapted to fill the part of the birds of Stymphalus, and that he proposed to shoot his arrows into the crowd that filled the amphitheatre. To keep this threat ever before the minds of the senators he caused to be placed in the curia a statue of himself as Hercules,³ with bow strung in hand. "Never," says the historian, who was the witness of what he narrates, "did he appear in public without being stained with blood;" and Lampridius adds, "When he had mortally wounded a gladiator, he would plunge his hand into the wound, and then wipe the blood off on his hair." He was indeed a butcher.



THE GOLDEN AGE
UNDER COMMODUS⁴

Again we have an insane Emperor, in whom the intoxication of youth and power takes the form of blood-madness. Nero was not so bad as he, for in the case of that grotesque artist there was at least a spark of art, and his Babylonian entertainments, in

¹ lxxii 19.

² COL(onia) L(ucia) AN(tonina) COM(modiana) P(ontifex) M(aximus) TR(ibunitia) P(otestas) XV., IMP(eratori) VIII., COS(ul) VI. Reverse of a great bronze of Commodus.

³ The Vatican has a statue of Commodus as Hercules, of which there is in the Louvre a beautiful copy in bronze.

⁴ ΚΟΜΟΔΩΝ ΒΑΚΧΙΑΥΟΝΤΟ Ο ΚΟΚΜΟΟ ΕΥΤΥΧΕΙ ΝΙΚΑΙΕΩΝ (*Commodus all the world is happy*), legend surrounded by a wreath. Reverse of a bronze coin of Nicaea.

all their infamy, had a certain grandeur. The instincts of Commodus were always low, and his pleasures vulgar or hideous; and it is this which gave probability to the current story that his father was one of the heroes of the arena.

The populace is not over nice in the choice of its favorites. When it has the vote, violent declamations are its delight; when it has only the right to applaud, skill and physical force are what it loves. Accordingly, these exploits of the highway on the part of its Emperor, which scandalized reasonable men, enchanted the Roman crowd. They adored this man who lavished gold upon them and lived in the amphitheatre, who gave them another spectacle, the terror of the nobles, and from time to time, as an interlude, a dead body to drag through the streets. But the aristocracy were indignant at being made to tremble under a ruler who appeared to them singularly petty in comparison with the great Emperors who had preceded him. In the Senate there were no longer, as there had been during the first century, either republican rancors or patrician desires for power. Now it was well understood how indispensable to the Empire was a true emperor, what vigilance, skill, and firmness in the supreme rank were necessary to maintain, with the greatness of the Empire, the security of each and the true liberty of all. These sentiments showed themselves later when, to replace the last of the Antonines, the senators all agreed to lay the purple of the Caesars upon the shoulders of a freedwoman's son. As early as the third year of the reign of Commodus, a conspiracy, of which Lucilla was the soul, began in the palace itself. The Emperor doubtless kept at a distance this ambitious woman, — jealous, moreover, of the Empress, who deprived her of the first rank. She thought that by putting her son-in-law, or else Quadratus, a rich young senator who shared in her projects, in her brother's place, she should obtain a larger share of power. To be sure of success, she intrusted her son-in-law, who was an intimate of the Emperor, with the striking of the fatal blow. As Commodus passed through a dark passage-way which led to the amphitheatre, the assassin fell upon him with a poniard, crying, "This is what the Senate sends thee!" But he was disarmed before striking the blow (183), and his imprudent words cost many senators their lives. From that day the old friends of Marcus

Aurelius appeared to his son no longer silent censors, but enemies whose blows he must prevent. The palmy days of the informers came again, and murders seemed to have no end. Lucilla, her son-in-law, the latter's father, Quadratus, and many others perished. One of the praetorian prefects, Tarrutemus Paternus, a learned lawyer who has the honor of being placed among the juriconsults



SEXTUS QUINTILIUS MAXIMUS.¹

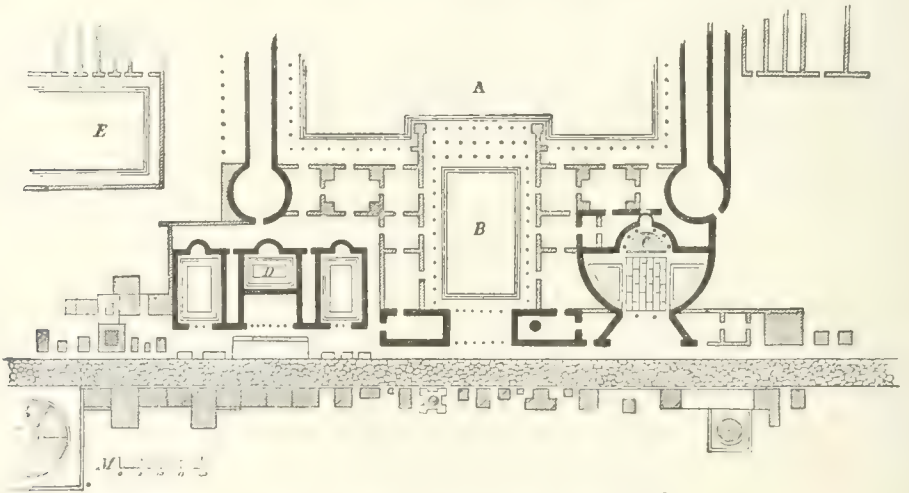
of the *Pandects*, could not be convicted of having shared in the conspiracy. But Perennis, his colleague, wished to be sole chief of the guard. He caused Paternus to be appointed senator, to remove him from the prefecture, and then accused him of treason. Paternus was condemned together with Salvius Julianus, the grand-

¹ The only bust known of any of the victims of Commodus. It was found in the ruins of the villa of the Quintilii, on the Appian Way. Cf. Henry d'Escamps, *Descript. des ant. br. du Mus. Capitaux*, etc., No. 191. Paris, 1855.



RUINS OF THE VILLA OF THE QUINTILII (ROMA VECCHIA).¹

son of Hadrian's great juriconsult. This person was at the accession of Commodus in command of a large army, and much beloved by

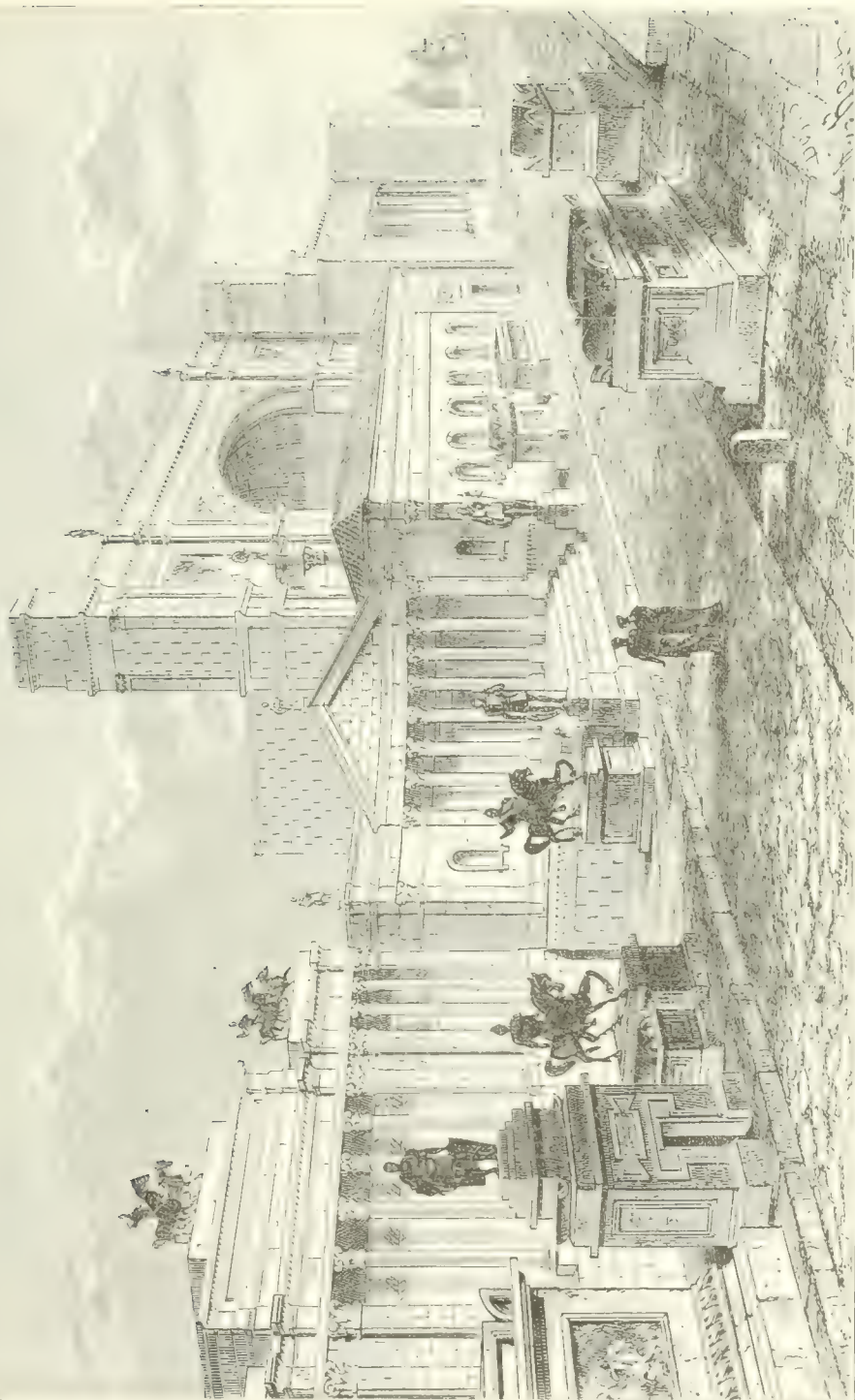


PLAN OF THE VILLA OF THE QUINTILII.²

his troops; he was not willing to dispute the Empire with the son of Marcus Aurelius, but he might have done so had he chosen. He

¹ From Canina, *La Prima parte della Via Appia*, pl. 33.

² A, peristyle; B, vestibule; C, nymphaeum; D, temple of Hercules; E, hot baths; F, tomb on the Appian Way (Canina, *op. cit.* pl. 32).



RESTORATION OF THE VILLA OF THE QUINTILI, ON THE APPIAN WAY, BY CANINA.

was esteemed dangerous, and this was enough to render him guilty. The list of the tyrant's victims is long: Dion says that of all who had enjoyed distinction in the state during the reign of Marcus Aurelius, three only, under Commodus, escaped with their lives. Like Caligula, he often took a man's life only for the sake of taking his property and relieving his own financial embarrassments; even many women perished on account of their wealth.

The fate of the Quintilii struck the imagination of contemporaries, habituated and hardened as they were to scenes of murder: they were two brothers of Trojan origin, famous for their wealth, learning, and military talents, and they were inseparable. The preceding Emperors, taking pleasure in honoring this fraternal friendship, had caused them to pass through the career of public duties together. They had been consuls, heads of armies, and governors of Achaia, one serving as lieutenant to the other; they both signed despatches, and Marcus Aurelius sanctioned this affectionate illegality, addressing to the two a rescript which may still be read in the *Digest*. Commodus also united them, but in death.¹ There still exist on the Appian Way the great ruins of their palace, called in the Middle Ages *Roma Vecchia*. Dion relates that, to save his life, the son of one of them, Condianus, had caused it to be reported that he was dead. Feigning to fall from his horse, he had himself brought home covered with blood, and while a ram was burned in his stead on the funeral pile, he made his escape and concealed himself. Many paid with their lives for their resemblance to the young Quintilius. After the death of Commodus a pretended Condianus claimed the rich inheritance. He was extremely well informed in the history of the Quintilii, and answered all questions pertinently. But Pertinax, formerly a teacher of grammar, confused the claimant by addressing him in Greek; whereupon it was decided that a man not versed in the language of Homer could not be a Quintilius.

During the war in Britain, Perennis had substituted knights for senators in command of the legions in that country. The soldiers, it was said, were offended that the distinction of the military grades should be thus impaired. This solicitude in

¹ *Digest*, xxxviii. 2, 16, sect. 4. *Domus Quintiliorum omnis extincta* (Lamp., *Comm.* 4). This writer gives a long list of the victims of Commodus.

the camps of Britain for the honor of the Conscript Fathers may well be doubted. Probably there were other motives of discontent. There is vague mention of a great sedition, appeased¹ by Pertinax after his life had been imperilled by it, and of some military favorite, Priscus, or Pertinax himself, whom the legions would have raised to power, but who refused the offer. Fifteen hundred soldiers were sent to bring the complaints of the army to the Emperor; Commodus, anxious at the approach of deputies so numerous that they seemed to bring commands rather than requests, went out of the city to meet them. "What is it, comrades," he said, "and for what do you come?" They rejoined that they had come because Perennis was conspiring against him, and had the design of making his son emperor. Without further information, the base Commodus gave up his faithful general.² He was beaten with rods, then beheaded, and his wife and sister and his two sons were put to death (185). The soldiers had unmade a minister; ere long they were to make and unmake emperors.

It is not clear where we ought to place the singular history of Maternus;³ Herodian relates it after the fall of Perennis. This soldier, together with some bold comrades, having deserted, scoured the country, pillaging the villages. His troop, with a regular military organization, and swelled by the addition of bandits and of convicts to whom he opened the prison doors, grew strong enough to attack cities, sacking and burning a number of them. He thus overran Spain and Gaul, pillaging and burning, and having nothing to fear from the municipal militia, which through long peace had fallen into inefficiency. The government was obliged to decide on sending regular troops against him. Maternus was no common bandit; he resolved to attempt a great achievement. Learning that preparations were on foot against him, he divided his band, gave his men orders to make their way into Italy by unfrequented routes, and directed them to meet him at Rome on

¹ Dion, lxxiii. 4, and Capita, *Pertinax*, 3.

² This is the testimony of Dion (lxxii. 12). Herodian (i. 24) relates the story differently. Instead of soldiers in Britain, they are legionaries in Illyria; and he says that a begging philosopher presented himself at some festival and denounced the intrigues of the prefect, who caused him to be burned alive.

³ Dion Cassius does not mention it, but Lampridius speaks of the *bellum desertorum* (Comm. 16), and Spartianus (*Nig.* 3) says of Niger that he was sent *ad comprehendendos desertores qui innumeri Gallias tunc exabant*.

the festival of the Mother of the Gods. Upon that day disguises of all kinds were authorized. Maternus proposed to assume, with his men, the dress of the praetorians, and thus approaching the Emperor, to slay him and take his place. Being denounced by a fellow-conspirator, he was put to death with all those of his band who could be discovered.

We have no right to say that this audacious enterprise could not have been successful. In a state where there is between ambitious men and the sovereign power no strong and vital institution to shelter the ruler from a surprise, the thrust of a dagger may suffice to change a dynasty. These catastrophes we have already seen, and many more are yet before us in the history of Rome. In this regard the imperial dignity had a certain analogy with the priesthood of the temple of the Arician Diana, where the high-priest was bound to slay his predecessor.



DIANA OF THE VATICAN.¹

The freedman Cleander, a porter who had become the chamberlain of Commodus, took the place of Perennis in the imperial favor. This man had retained all the vices of a slave, and added to them greed for gain. He sold offices, provinces, and judicial decisions; in one week there were several prefects of the guard, and as many as twenty-five consuls in one year.² With a part of this money he bought the Emperor's mistresses, and even the Emperor himself. The praetorians were soon to follow this example; but it was the supreme power itself which they offered for sale. Governments reap that which they sow.

¹ Museo Chiaramonti, No. 122.

² According to Lampridius; but of this we have no other proof than his word, which is not sufficient.

Burrus, the brother-in-law of Commodus, attempted to enlighten the Emperor upon the unworthy conduct of his favorite. Cleander accused his enemy of aspiring to the imperial dignity, and obtained against him an order of death, which also included many senators. He then took for himself the prefecture of police, consenting, however, to share it with two colleagues.

This freedman, who has been called the minister of the dagger, might have continued with impunity to destroy the nobles; but he allowed the populace to go hungry, and they were the cause of his downfall. For some years there had been a condition of scarcity, the price of corn rose, and distributions were suspended. Commodus wished to compel the traders to sell at a lower price; but provisions were concealed, and the evil increased. An immense fire, like that in Nero's time, and an epidemic which in Rome alone carried off two thousand persons daily,¹ raised the public exasperation to the highest pitch. These scourges did not appear the result of natural causes, and the mob clamored for a victim. It was asserted that Cleander had hoarded wheat. We know the fate of those thus accused by the populace in times of scarcity. One day, in the circus, a band of boys rushed into the arena with loud outcries, headed by a virago of great stature and fierce aspect, who doubtless disappeared in the tumult, which gave the foolish crowd and the enemies of Cleander the occasion to say that some goddess had been the leader. To the boys' clamor was joined that of the spectators. The excitement became general, the games were abandoned, and the crowd rushed out of the city to the palace of the Quintilii, where the Emperor then was. To stop this multitude, Cleander caused them to be charged by the German or praetorian horse. Many persons were killed, many others wounded, and the great rabble turned back into the city. To disperse them completely, the cavalry followed them into the streets. Here, assailed by a shower of stones and tiles from the house-tops, attacked by the soldiers of the urban cohorts, who made common cause with the people, the troops fell back in disorder, upon which the crowd again turned in the direction of the palace, mingling cries of death to Cleander with expressions of affection for the Emperor. A con-

¹ Another had occurred in 182; cf. *Or.-Heuzen*, No. 5,189. It would seem that the great plague which had ravaged Rome in the reign of Marcus Aurelius left behind it centres of contagion, whence it again appeared from time to time under Commodus.

cubine of Commodus made known to him the riot in the city, the danger that threatened himself, and the means by which it might be avoided. Commodus caused his favorite to be slain, and threw



COMMODUS.¹

out the body to the populace. For many hours the crowd bore through the city on the point of a spear the head of the all-powerful minister, and dragged the headless corpse through the streets. His son, a little boy brought up at court, had his brains dashed out on the pavement : those who had shared the fortune of the favorite shared now in the ignominy of his death, and, after being the sport of the rabble, were dragged to the Gemonian stairs (189).²

¹ Marble bust found at Ostia (Vatican. *Braccio nuovo*, No. 121).

² Alarmed by this riot, Commodus gave some care to the provisioning of Rome, as is

On the last day of the games Commodus, before descending into the arena, had given his club to Pertinax. Later, men remembered this, and saw in it a sign. The expiation was drawing near. The son of Marcus Aurelius, whom his biographer calls "more



COMMODUS AND MARCIA.²

cruel than Domitian, more vile than Nero," was a wild beast who could not fail some day to be stricken down. Among the possessions of one of his victims Commodus had found a woman to whom he attached himself passionately, making her his concubine. This union, a sort of morganatic marriage, recognized by the Roman world,¹ permitted Marcia to receive almost all the honors due to an empress.³ This woman, who seems to have possessed liberality of mind and determination, had gained an immense ascendancy over the weak soul of the imbecile buffoon: her medals, if we may believe them portraits, reveal a strong character, and we have seen with what energy she acted in the affair of Cleander. She was a Christian,⁴ in so far as this was possible for the mistress of Commodus: at least, she favored

proved by many medals representing him as Hercules, his right foot on the prow of a vessel, and extending his hand to Africa, who is holding out ears of corn, with this legend: *Providentiæ Augustæ*. Cf. Cohen, *Comm.*, at the Nos. 212, 213, 719, etc. We shall see that Septimius Severus kept very close watch over this supply.

¹ The condition of the concubine had not all the civil effects of *justæ nuptiæ*, but it did not incur the disgrace attached to illegitimate connections . . . *nec adulterium per concubinatum . . . committitur, nam, quia concubinitus per leges nomen assumpsit, extra legis poenam est* (*Digest*, xxv. 7, 3, sect. 1). It was really a kind of marriage, not suppressed until the time of Leo VI., the Philosopher. (Cf. Accarias, *Précis de droit romain*, i. 193-195.) It is possible that the children followed, as in the morganatic marriages of our time, the condition of the mother, and were not subject to the father's *patria potestas*. The name of concubine had no disgrace attached to it. A widow in an inscription on her husband's tomb calls herself *concubina et hæres* (Fabretti, *Inscr.* p. 337). Jumentarius furnishes a burying-place for his brothers, their children, *et uxoris concubinisque* (Wilmanns, 330). Vespasian, Antoninus, and Marcus Aurelius had had concubines before this time, and Constantius Chlorus and Constantine kept up the custom.

² Bronze medallion in the *Cabinet de France*.

³ All, Herodian says, excepting that the sacred fire was not carried before her. Capitoli-nus (*Max. jun.* 1) gives in detail the costume of a Roman empress.

⁴ . . . πολλά τε ἐπὶ Χριστιανῶν σπουδάζουσα. This testimony of Dion is confirmed by the *Philos. sophronica* (ix. 12), who call her φιλόθεος, and relate that she sent a priest, the eunuch Hyacinthus, who brought her up, to deliver the Christian exiles of Sardinia. The measure seems to have been a general one. "Under Commodus," says Eusebius (*Hist. eccl.* v. 21), "we enjoyed a profound tranquillity." (See chap. xc. *ad fin.*)

the Christians, who owed to her the tranquillity which they enjoyed during this reign. But in keeping the space around the throne vacant, these frenzied tyrants at last alienate even the instruments of their tyranny and of their pleasures. Marcia, Eclectus the chamberlain, Laetus the prefect of the guards, all felt themselves in danger. It may be that Commodus overheard some imprudent words: at least it is certain that he believed in the existence of a plot, which he called into existence, if it had not already been formed. Herodian relates in perhaps too dramatic a manner the last incident, which without doubt did but decide the day of execution.

On the eve of the Saturnalia Commodus formed the plan of going to pass the night in a school of gladiators, whence he would go forth in the morning for the day's amusement, armed from head to foot, and preceded by all his comrades of the arena. Vainly did Marcia and those about him urge him most strenuously to abandon the unworthy design; he dismissed them angrily, and to put an end to this opposition to his will he wrote upon tablets the names of the new victims who should perish on the following night, and placed at the head of the list Marcia, Laetus, and Eclectus. When he left his bedroom to go to the bath he placed these tablets under his pillow. A child, whose playfulness had amused the Emperor, and who had the range of the palace, entered this room, discovered the tablets, and took them away for a plaything. Marcia met him and read the fatal list: in all haste she warned those whom Commodus had thus assigned to her as accomplices. They determined that, after the bath, she should present to the Emperor a poisoned draught. She did so, but the effect was merely to produce vomiting: and upon this the conspirators caused him to be strangled by a young athlete (December 31, 192). His body, secretly removed from the palace, was hastily interred, and news was



MARCIA.¹

¹ From an engraved stone (amethyst, 18 millim. by 14) in the *Cabinet de France*. M. Charles Lenormant recognized Marcia in this intaglio, which was published by Mariette under the name of Sappho.

spread that Commodus had died of apoplexy. The Senate, who yesterday offered incense to him, now pursued his memory with all maledictions;¹ they proposed to declare him a public enemy and cast his body into the Tiber. To this Pertinax objected; but the statues of Commodus were thrown down, and in every direction were dragged through the streets, — those images representing him which were destined to be again set up, especially in Africa, after Severus had made him a god. He was thirty-one at the time of his death, — the same age as Nero; Caracalla was killed at twenty-nine; Caligula at twenty-eight; Elagabalus still younger, at twenty-one. Those who are really tyrants seldom live to grow old.

YOUNG ATHLETE.³

Too many atrocities are chargeable to Commodus for us to omit the one good thing that can be said of him, — he gave peace to the Christians, and released from prison those whom his father had incarcerated.²

From a more general point of view, his reign inaugurates a new period in the history of the Empire. It is the end of the good days, and the beginning of the days of misfortune. One single reign had sufficed to develop the fatal germ existing within the imperial monarchy; namely, the preponderating power of the army. This evil had already burst forth on the death of Nero, and had very nearly rent the Empire in pieces;

¹ The long enumeration may be read in Lampridius (18).

² See chap. xci. sect. 1. We read in Eusebius (*Hist. eccl.* v. 21): "Apollonius was accused by a minister of the devil in a time when this was not permitted. Perennis sent the informer to execution, but he also referred Apollonius to the Senate to make answer on the subject of his faith; and the latter, refusing to abjure, had his head cut off, because it was forbidden by law to release Christians who had been accused, unless they recanted." Thus the praetorian prefect punishes with death an accuser of the Christians, — which must have intimidated those who might have felt inclined to follow his example; but, Apollonius having publicly avowed his faith, the prefect punishes him according to the rescript of Trajan. This is certainly a novel kind of jurisprudence.

³ Statue in the Museum of Naples.

the firm hand of Vespasian, of Trajan, and of Hadrian had for the time repressed it. It broke out anew when an accident of birth or of public tumult brought to the head of the legions, instead of renowned and honored Emperors, a gladiator like Commodus, or a feeble and licentious Syrian like Elagabalus. From the day when the soldier clearly saw the disgrace of his ruler and the base servility of the Senate, the power of the government and of the civil law gave way.

In the camps, the near presence of the enemy kept up somewhat of the early discipline: but in Rome, amidst the seductions of the great city, the praetorians had formed many habits which implied a great deal of license. Pertinax alienated them when he forbade them to treat the citizens insolently. Commodus, on the other hand, whose sole defence they were against the nobles whom he was destroying, gave them fatal indulgence: and his distrust of the aristocracy obliged him to confer the praetorian command upon men of low birth, and even a freedman. These soldiers of fortune, in their turn, took precautions against the Emperor. They sought to make sure of their cohorts, and for this purpose formed them of men from whom they could ask anything, for the reason that they themselves refused them nothing. Into the ranks, once open only to Italians, and later to the bravest provincials, these generals now summoned the very Barbarians. The leader of the band who rushed into the palace of Pertinax was a Tongrian. Soldiers like these must have cared far less for the honor of the Roman name than for the advantages they could derive from the fear which they inspired. Accordingly, the Empire still stands firm: but in the presence of a Senate whom the ruler degrades, and of magistrates who have become powerless, a turbulent and rapacious soldiery will make, for the sake of gratifying their cupidity, revolutions ruinous to the provinces, and laying open the frontiers to the Barbarians. The military order will soon become superior to the civil. The Antonines had depended upon the Senate: their successors will rely upon the legions: and for a century all — with the exception of three only — will be the servants rather than the masters of the army. The officers in their turn will bow before the men who make emperors. And so the political power of the soldiery will have as its necessary consequence the

destruction of discipline. and. consequently, the ruin of the great military institution of Augustus and of Hadrian.¹

II. — PERTINAX AND DIDIUS JULIANUS (193).

THE murderers of Commodus made haste to choose an Emperor. Publius Helvius Pertinax, an old general, who appeared to have preserved to advanced life² vigor enough to make it certain that the excesses of youth would not now be followed by the feebleness of old age. Laetus led him to the praetorian camp.

Noted for his severity, Pertinax could not be pleasing to soldiers who regretted Commodus: but they had no candidate at hand for the imperial dignity, so that between the ruler who could no longer do anything for them, and the one who promised them a *donativum*, they resigned themselves to the change that had taken place. As for the populace, they had applauded Commodus, and they now hailed Pertinax; it was one show and one largess more.

In the case of Commodus, we had an Emperor's son; in the case of Pertinax, we see the rise of a man of the lower ranks. The son of a freedman, a charcoal-dealer at Alba Pompeia in Liguria, Pertinax had at first attempted to gain a livelihood as a teacher of grammar; not succeeding very well at this, he asked and obtained, through the favor of a patron, the rank of centurion. His merit raised him rapidly to the first rank in the army, and so to the highest in the state. He became prefect of a cohort in Syria, commander of a squadron in Britain and in Moesia, commissioner superintending the distribution of alimentary pensions along the line of the Aemilian Road;³ later, he became chief of

¹ "At this epoch," says Herodian (ii. 24), "began the corruption of the soldiers. From this time they showed an insatiable and shameful cupidity and the greatest contempt for the Emperor."

² He was sixty-six years of age (Zonaras, xii. 7).

³ This office of *proc. ad alim.* filled by Pertinax, which we find indicated in many inscriptions (e. g. Or-Henzen, Nos. 3,190, 3,814, 6,524, and No. 1,456 of the *C. I. L.* iii. 235, *proc. ad alim. per Apul. Calabr. Luc. et Bruttios*, for a contemporary of Alexander Severus and Gordian III.), proves that the alimentary institution of Trajan was still in full vigor as late as the middle of the third century; but it was interrupted under Commodus (Lamp., *Comm.* 16), and Pertinax found arrears of nine years which he could not pay (Capit., *Pert.* 9).

the flotilla of the Rhine, collector of tribute in Dacia, with a salary of 200,000 sesterces, legionary tribune, senator, praetor, legate of a legion which distinguished itself under his authority in Rhaetia and Noricum, and, lastly, consul. The services which he rendered the government at the time of the rebellion of Cassius against



THE EMPEROR PERTINAX.¹

Marcus Aurelius had given him the command of the army of the Danube, and after this the government of the two Moesias, of Dacia, and of Syria. Thus at the age of fifty-four he had filled a variety of public offices and had administered four consular provinces. His talents do not, however, appear to have been remarkable, and this rapid advancement proves only that the road to honor was open to all who knew how to pursue it.

¹ Colossal marble bust found at Pozzuoli (Museo Campana. II. d'Escamps, *op. cit.* No. 102).

He had not seen Rome since his appointment to the Senate.



COIN OF PERTINAX.¹

When he returned thither he was reproached with having gained great wealth in his various employs. He had not conceived it his duty to ruin himself in the public service, and a strict economy had doubtless sufficed to bring him to

fortune.² We may mention two facts to his honor,—he kept his mother with him in his various promotions, and on erecting some fine buildings in his native city, he had the shop of his father, the charcoal-dealer, inclosed within one of them.

Perennis caused him to be sent into exile; but Commodus on that prefect's death recalled Pertinax and put him at the head of the turbulent legions of Britain. Later the Emperor appointed him to watch over the provisioning of the city (*praefectus frumenti dandi*), gave him the proconsulship of Africa,³ and, as the highest honor, the urban prefecture. By nature Pertinax was honest, destitute of ambition, and somewhat penurious, as is the case with those who have made their fortunes slowly; but he was devoted to the public welfare, and would have been one of the best of rulers if he had been allowed to live, or if he had known how to defend himself.



PERTINAX LAUREL-CROWNED.⁴

The imperial power alarmed him: he had no relish for it.⁵ In the Senate he offered the Empire to Pompeianus, who had been the patron of his early years,⁶ and to Glabrio, who was reputed a descendant of Aeneas: but these men were wise enough to leave to him the burden and the perils. A few days later another

¹ IMP. CAES. P. HELV. PERTIN. AVG. Laurelled head. On the reverse: AEQVIT. AVG. TR. P. COS. II. Equity standing, holding a balance and a cornucopia. Gold coin.

² Herodian (ii. 3) says that he was poor. His mother died while with him in Lower Germany, where her tomb was long to be seen (Léon Renier, *Mél. d'épigr.* p. 272).

³ In this province he had, according to Capitolinus (4), to repress many seditions caused *vaticinationibus earum quae de templo Caelestis emergunt*.

⁴ Great bronze.

⁵ *Hæc nunc illam imperium epistola docet.* Capitolinus, who speaks of this letter, makes the mistake of not giving it to us: and this is the more to be regretted since Julian in *The Caesars* accuses Pertinax of having been "the accomplice, at least in thought, in the conspiracy whereby the son of Marcus perished."

⁶ In respect to Pompeianus, cf. L. Renier, *Inscr. de Troesmis*, p. 5.

senator venturing into the midst of the praetorians, the soldiers proposed to make him emperor. Scarcely escaping from their hands, his toga torn to rags, he sheltered himself in the palace of Pertinax, and then, more surely to escape the imperial power, fled from the city. Such instances of reluctance reveal a situation full of anxiety.

Pertinax refused for his wife the title of Augusta¹ and that of Caesar for his son. "When he has deserved it," the father said, "it will be time enough to give it to him."¹ All his own relations and servants continued in their humble condition; he gave up his own property to them, and remained simple in his habits of life. At news of his accession his compatriots from the Ligurian mountains, a rapacious race, hastened to Rome in crowds to draw profit from this fortune: but Pertinax sent them away as they came. He had the same duty to fulfil that had devolved upon Vespasian: namely, to restore order to the state, to the magistracies which had suffered from so many arbitrary appointments,² to the finances so completely ruined by mad prodigality that in the treasury he had found on his accession only a million sesterces remaining. To procure the money for which the soldiers and the people clamored, he sold his predecessor's favorites at auction, the accomplices or the victims of his debauchery, — quite a harem; also the weapons of Commodus, his garments of silk and gold, his valuable furniture, and a thousand curiosities, among which we note carriages with a movable seat which turned easily in all directions, and also marked the hour and the distance passed over. Pertinax confiscated the property of the buffoons, made the freedmen disgorge their ill-gotten gains, and drove out of the palace all useless persons. The parasites who, under Commodus, had lived at the Emperor's table, could not forgive what they called the "meanness" of the new Emperor, and slandered him incessantly.

¹ At Metz an inscription has been found giving the title of Augusta to the Emperor's mother, and that of Caesar to his son (Renier, *Mém. d'épigr.*). These provincials believed that things had gone on as usual at Rome, and allowed themselves a flattery which they were sure would not be displeasing. Inscriptions bearing the name even of Pertinax are rare. One has lately been discovered in Africa *Divo Herculio Pertinaci*: it belongs to the time when Severus called his father *Divo Pertinaci Augusti patri*.

² Under Commodus many had been *adlecti inter praetorios*. He obliged them to take rank after those who had really acted as praetors (Capit., *Perf.* 6). He doubtless made the same regulation in respect to the other magistracies, thus restoring order in the Senate.

So immense were the resources of the Empire that less than three months of strict and economical administration enabled Pertinax to fulfil half of his promises to the praetorians,¹ to pay many public debts, and resume the works of public utility which had been suspended under Commodus. He removed many of the hindrances to commerce; he exempted from taxes for ten years those who should cultivate the deserted lands of Italy; and restored security by the rehabilitation of the victims of Commodus, the recall of exiles, the condemnation of informers, and the protection accorded to citizens against the insolence of the soldiery.

But this order, this economy, suited neither the praetorians nor the populace. Pertinax had ventured to forbid the former to carry weapons in the streets,² or to be insolent towards passers-by; he had said to them: "Many disorders have appeared in our time; with your aid I propose to correct them;" and his first password had been: *Militemus*, "Let us be soldiers." In these words the soldiery had discerned an intention to bring them back to the early discipline and to warlike duties. In the case of the populace, Pertinax had suppressed the distribution of corn, which from the time of Trajan had been granted to children over nine years of age. Lastly, he showed himself disinclined to be guided by Laetus, who regarded this distrust as a presage of disgrace, and at once began intrigues among the praetorian cohorts. A conspiracy was originated, or at least Falco, an ex-consul, was accused of aspiring to the Empire. The Senate was about to condemn him, when Pertinax interposed, and swore that no senator should be put to death during his reign. A slave having accused many praetorians of complicity in the designs of Falco, Laetus caused them to be put to death, throwing upon the Emperor the odium of the execution. Being ill-paid, and feeling themselves objects of suspicion, these troops resolved to rid themselves of a parsimonious Emperor and of all anxiety for their own lives. Three hundred repaired in arms to the palace. There were guards enough there to have driven back this handful of insurgents; but the servants of the palace, whom Dion calls the Caesarians, impoverished by their master's economy, opened the gates to the assassins. Pertinax believed that he could stop them by

¹ *Promisit duodecim millia nummorum, sed dedit sena* (Capit., *Pert.* 15).

² . . . μήτε πεδέκειν φέρειν μετὰ χεῖρας (Herod., ii. 4).

going out unarmed to meet them. The sight of the Emperor did indeed produce a momentary effect; many had already sheathed their swords, when a Tongrian soldier rushed upon the Emperor and wounded him. Immediately all hesitation was at an end; all struck at him, and his head, borne on a spear, was carried out to the praetorian camp. Eclectus alone had endeavored to defend his master, and perished with him. Pertinax had reigned eighty-seven days (28th of March, 193).

There was in Rome at this time a senator by name Julianus,¹ of great wealth and noble lineage, for he was descended from Hadrian's great jurisconsult, and had been brought up in the household of Domitia Lucilla, the mother of Marcus Aurelius. He was a man of small mind and puerile vanity, to whom life had taught nothing. He had filled, however, not discreditably the highest offices in the state, governed many provinces, defeated some German tribes, and at a time of life which should have been for him the age of wisdom, sixty years, suffered himself to be dragged to the abyss by the ambition of his wife, the haughty Manlia Scantilla, who was eager to see her husband's laticlave changed for the imperial purple.



MANLIA SCANTILLA.²

Although the Empire had been often bought, it had not as yet been publicly put up at auction: Rome was now about to witness this disgrace. To tranquillize the praetorians, Pertinax had sent out to their camp his father-in-law Sulpicianus, who was the prefect of Rome. This senator again was one of those commonplace persons who, ignoring the obligations of power, see only its glitter. When the head of Pertinax was shown to him, he at once proposed to the murderers to buy of them the imperial purple which had just been dipped in the blood of his son-in-law. The rumor of this spread quickly, and Julianus hastened to enter the

¹ Marcus Didius Severus Julianus (*C. I. L.* vol. vi. No. 1,191).

² Wife of Didius Julianus. Bust in the Capitol, Hall of the Emperors, No. 47.

lists as his rival. Then began a most extraordinary and unparalleled scene. Julianus was on the top of the wall. Sulpicianus was in the camp, and the two bid against each other. Messengers passed between the wall and the camp, saying to the former: "He offers so much: what will you give?" And to the latter, "The other goes higher: will you go higher still?" They went as far as 5,000 drachmae, or 20,000 sesterces: and the offers being equal, the soldiers waited, sure to get more in the end for their commodity. Finally, Julianus routed his adversary by a bold advance of 1,250 drachmae. He cried the sum from the top of the wall: he counted it on his fingers, that those who could not hear might see: and he threw down to them his tablets, on which he had written that he would rehabilitate the memory of Commodus, while Pertinax would unquestionably be avenged by Sulpicianus. The latter dared not go farther. Each praetorian was therefore to receive by this bargain about \$1,150. "There had been a time when the Senate had proclaimed the sale of a piece of ground which was part of the territory of the state: it was the field whereon Hannibal was encamped."¹ We may well find this scene disgraceful; but we must admit that the *donativum*, whose origin we have seen, was a practice from which no Emperor could escape. The odious feature is not the sum, but the auction: Marcus Aurelius gave almost as much;² and among nations who are very free, who are even very proud, men buy a portion of power, not from the praetorians, it is true, — who, happily, no longer exist, — but from the electors.

The decision being made, the soldiers brought a ladder so that the purchaser might come down inside the camp and receive the oaths of his new guards, and also the imperial insignia. They caused him to appoint two praetorian prefects chosen by themselves, after which they opened the gates, and with standards displayed and in order of battle conducted to the Senate their new leader, whom they presented under the name of evil omen, Commodus. They took the precaution, however, to make him swear that he would bear no ill-will towards his competitor: it

¹ Chateaubriand, *Études historiques*.

² Twenty thousand sesterces. See Vol. V. p. 460, and for the value of the sesterce, p. 266, note 4. Now, the 1,250 drachmae of Julianus are only 5,000 sesterces more.

was wise not to discourage those who might be tempted to renew this honorable traffic.

Many senators trembled, among others our historian Dion, who had often had occasion to sue Julianus in court. They loved Pertinax, and considered his successor ridiculous, and were shocked at the bargain which had just been concluded. But all the approaches to the curia, and even the senate-house itself, were filled with soldiers. The senators hastened to welcome the new Emperor, to admire his foolish speeches, and to lavish upon him the wonted acclamations. Julianus finally went up to the palace; there finding the supper which had been made ready for Pertinax, he ridiculed the simplicity of the repast, ordered another to be prepared, and played with dice within a few steps of the spot where lay the dead body of his predecessor.¹ But from the morrow on, came to him the terrible cares of a disputed authority, and but a few days later the anguish of a near and inevitable death.

He had made no promises to the people, who were wounded in their dignity by this offensive neglect. When he presented himself on the following day in the curia, the crowd received him with loud outcries, calling him usurper and parricide. He took matters easily at first, and assured them that he would give them money. "We will have none," they cried, filled with unwonted disinterestedness; "we will not accept it!" Upon this he ordered the troops to disperse them, and many were wounded; the others fled, and took refuge in the circus. Dion asserts that they remained there all night and through the following day, invoking the gods, and—which was more to the point—the military leaders, especially Pescennius Niger, or the Black, who was at this time far away in Syria. They were let alone, and the feeble riot subsided.

Meanwhile the imperial mint issued coins representing the new ruler with a laurel wreath and the lying inscription, *Rector orbis*, while others had the legend, *Concordia militaris*; but of



REVERSE OF A COIN
OF JULIANUS.²

¹ Spartianus represents him as frugal and thoughtful; but at the end of his account speaks otherwise. Herodian confirms Dion, whom he often copies.

² This coin bears the legend: *Rector orbis*. Large bronze.

the world. all that Julianus possessed was merely the space on which stood the palace in which he had just taken up his residence, and the "military concord" existed only against him. The legions of the frontiers had just learned how much profit could be derived from the election of an emperor, and they did not propose to leave to the praetorians all the advantages of this lucrative traffic. Very strong armies, each consisting of three legions, occupied Britain, Upper Pannonia,¹ and Syria, under the famous generals Albinus, Severus, and Pescennius Niger.



CONCORDIA MILITARI.²

When news came that within three months two Emperors had been assassinated, and that a third had bought the Empire, there was a general movement of disgust towards the Senate who had accepted all this. This feeling showed itself especially in the camps of the Danube, where Pertinax had commanded and had left an honorable memory.



CONCORDIA MILITARI.³

Then recurred the scenes that had taken place on the death of Nero. Two of the armies—those of Pannonia and Syria—proclaimed their generals (April, 193), and the third would have done the same had not Severus skilfully negotiated with Albinus. While Severus made sure of the neutrality of the army in Britain he also gained the assistance of the legions who were in his own neighborhood, so that in a few days he found himself possessor of nearly half the military strength of the Empire.⁴ His cause, therefore, was already gained when he set out for Rome, preceded by the declaration that he was coming



DIDIVS JULIANVS.
LAUREL-CROWNED
(BRONZE).

¹ Spartianus (*Sev.* 4), Herodian (ii. 33), and Borghesi (*Œuvres compl.* v. 368) represent Severus as governor of both Pannonias; but Dion, who commanded in Upper Pannonia, gives him only this province, and speaks of but three legions as under his orders. If he had had the two Pannonias he would have had four legions.

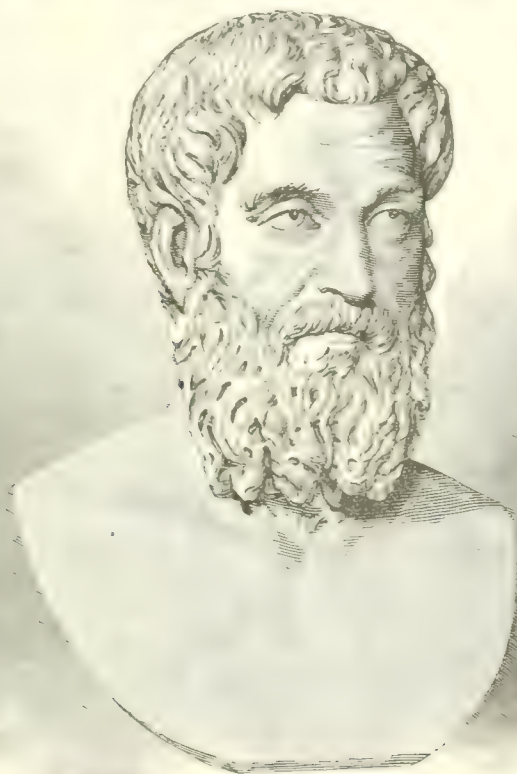
² CONCORD. MILIT. Concord standing between two standards. Reverse of a gold coin of Didius Julianus.

³ Reverse of a large bronze of Didius Julianus.

⁴ "The fourteen legions who proclaimed Septimius Severus, and to whom the new Augustus gave the *donativum*, were the ten legions guarding the Danube and the four legions on the Rhine" (Robert, *Les légions du Rhin*, p. 16). M. de Cœlemeur (*Essai sur la vie de Sévère*) counts sixteen legions. Spartianus says (*Sev.* 5) that it was necessary to urge Severus (*impugnans*). He doubtless borrowed this word from the Emperor's autobiography.

to avenge Pertinax.¹ Secret emissaries had withdrawn his children from the city before the news of his elevation to the imperial power could reach there.

Julianus caused him to be declared a public enemy by the Senate, and at once began preparations to receive him. Laborers were set at work digging a moat around the city; the gladiators



PESCENNIUS NIGER.

from Capua were called in.—mere bandits, on whom no reliance could be placed: the soldiers from the fleet at Misenum were sent for, who made themselves ridiculous by their awkwardness in handling the javelin: and the elephants of the circus were armed for war, but very unsuccessfully, as they threw off the towers which were placed on their backs. Julianus even caused the palace to be barricaded, in sign of the desperate resistance he should still

¹ . . . *Encephalotripta* . . . *Pertinax* (Spart. *ibid.* 5: cf. Herod. ii. 9, 10). He even assumed the name of Pertinax, which we find on many of his inscriptions. Cf. L. Reider, *Mémoires de l'Académie*, pp. 180 et seq.

² Bust of the Vatican, Hall of Busts, No. 292.

make to the enemy if an entrance should be effected into the city. The praetorians ought to have set him the example; but they were rich, habituated to an indolent life, and employed substitutes to do their tasks for them, while they insulted the people, whose terror they were.¹ As a pledge of the maintenance of his alliance with them, Julianus put to death Laetus and Marcia, the murderers of Commodus. At the same time he consulted the magicians, sacrificed children as victims, and despatched assassins to Severus,² senators to entice away his troops, and the praetorian prefect to Ravenna, to put in a condition of defence this outpost, where the fleet of the Adriatic was stationed. But Severus was on his guard, and advanced rapidly. Proclaimed at Carnuntum (near Vienna) on the 13th of April, he was obliged to employ ten or twelve days in negotiating with the legions of Upper Germany and in putting his army in motion. However, he arrived in the neighborhood of the capital before the 1st of June; so that his troops must have



COIN OF DIDIUS JULIANUS.³

made, from Vienna to Rome, in less than seven weeks, a distance of two hundred and sixty-six leagues, or six leagues and a half a day without intermission. This rapid march of a numerous army suddenly taking the field proves the abundance of provisions that agriculture and commerce could bring together at a moment's notice, the good condition of the roads, and the subjection of the provinces; that is to say, the prosperity and calm of the Empire during the storms of Rome. It proves also the discipline maintained by Severus in these legions upon which he could impose such fatigues, without exciting a murmur of discontent.

This rapidity baffled all resistance. Severus crossed unopposed the Alps, the Adige, and the Po, entered Ravenna before the prefect sent from Rome had reached that city, and obtained the adherence of the Senate's deputies. Thus Julianus saw the narrow limits daily growing narrower in which he was still permitted to live and reign.

The last news overwhelmed him. Anxious, irresolute, he sought

¹ Dion, lxxiii. 16; Spart., *Did. Jul.* 5.

² . . . *Aquilium centurionem notum caedibus ducum miserat* (Spart., *Pescenn. Nig.* 2).

³ IMP. CAES. M. DID. IVLIAN. AVG. Laurelléd head. On the reverse: RECTOR ORBIS. Julianus standing, holding a globe. Gold coin.

advice, but the Senate would give none; he offered the Empire to Pompeianus, who replied, "I am too old, and my sight is too weak." Reduced to the miserable hope of conciliating his formidable adversary by begging for his life and a share of the power,

SEPTIMIUS SEVERUS.¹

he proposed, like Vitellius, that the Vestals should be sent to meet Severus, and that the latter should be at once appointed his colleague.²

¹ Bust of marble with alabaster chlamys found at Rome under the church of St. Francis of Assisi (Capitol, Hall of the Emperors, No. 50).

² He also bestowed all honors upon the maternal grandfather of Severus (Dion, lxxiii. 17).

The Censorial Fathers hastened this time to defer to his wish, and he sent to the new Augustus the Senate's decree by the hand of one of the praetorian prefects, who was suspected of meditating assassination under a show of friendliness. But the decree was scornfully rejected, and the bearer of it put to death.

Meanwhile, to avoid making Rome the scene of a sanguinary conflict, as in the time of Vespasian, Severus prepared a movement there in his favor. He wrote to the magistrates; he sent edicts which were publicly posted; he named a prefect of the praetorian guard, whom the trembling Julianus acknowledged; and he made known to the praetorians that he would pardon them if they would surrender the murderers of Pertinax. As base as their Emperor, the guards at once seized the three hundred and came to tell the consul Messala that their comrades were in chains. This was the end. "Immediately," says Dion Cassius, "Messala called us together and made known to us what the soldiers had done; upon which we decreed the death of Julianus, and gave the imperial power to Severus and divine honor to Pertinax." Julianus was killed in his bed, saying only: "What wrong have I committed?" (2d June, 193.) He had held the Empire sixty-six days,¹ and did not deserve to retain it longer. It was already too much that he should have inscribed his name on the list of Emperors. History must in its turn execute justice upon these adventurers who wish for power only that they may enjoy it; ambition without ability is a crime.²

III. — SEVERUS; WARS AGAINST ALBINUS, NIGER, AND THE PARTHIANS.

ONCE more we have a man upon the imperial throne! But, harsh to others and to himself, this man will make good his name by his inexorable sternness, an administrator of justice after the fashion of Tiberius and Louis XI.

¹ Dion, lxxii. 17. Zonaras (xii. 7) says sixty. Aurelius Victor, Eutropius, and the *Chronicle* of Eusebius represent him as killed in battle at the Milvian bridge, — which proves great lack of the critical faculty on the part of these historians.

² This is the expression used by Chateaubriand in reference to a person mentioned in his *Mémoires*.

Since the extinction of the family of the Caesars we have seen upon the throne Italian, Spanish, and Gallic Emperors: at last comes the turn of the African. Lucius Septimius Severus was born at Leptis, April 11, 146, in a family which had long been decorated with the honors of the Equestrian order, though without abandoning the province where lay their property and their influence, and where their renown had begun. One of its members, however, had acquired notoriety enough at Rome in the time of Domitian to be celebrated by Statius in his verses.¹ But this Severus, quite another man from ours, is called by the poet "the gentle Septimius." Until his fourteenth year the future Emperor remained in Africa, studying Greek and Latin literature, without forgetting his native tongue, whose accent he retained through life, so that Rome was about to have an Emperor speaking the language of Hannibal.² Of this Severus was not at all ashamed; the great Carthaginian was his hero, and he erected a marble statue in honor of the African general.



SEPTIMIUS SEVERUS IN CUIRASS.³

Very credulous, like all his contemporaries, in the matter of presages,

¹ *Silv.* iv. 5.

² Tzetzes, *Chil.* i. 27. The Emperor's sister could with difficulty speak the Latin language, *vix latine loquens* (Spart., *Scr.* 15), and his son Caracalla caused many pictures of Hannibal to be made (Herod. iv. 8).

³ Statue in the Museum of Munich

Severus was also very resolute to put himself in a condition to respond to the advances of fortune,¹ which is the best way of making dreams come true.

At Rome he studied law under an eminent juriconsult, Q. Scaevola. The gravity of his character appeared in the affection he conceived while attending this famous school for a fellow-student, who was destined later to eclipse the master. The tie was lifelong, and Papinian's friendship protects, in our minds, the memory of Severus. Three of his uncles had been consuls, and one of them obtained for the young man the office of quaestor, and so an entrance into the Senate (172). The career of public honors was thus opened to him at the age of twenty-seven. We shall not follow him in it; this *cursus honorum* is already familiar to us, and we are interested only in the ruler. We need only notice that in 189 he was *consul suffectus* under Commodus.

While Julianus was dying in Rome, Severus was approaching the city. The Senate sent out a hundred of its members to meet him at Interamna, twenty leagues from Rome, and renew to him their oaths of fidelity.

He received them surrounded by six hundred of his most faithful troops, who had the duty of keeping watch upon suspicious persons. Introduced into the centre of this menacing band, the deputies were obliged to submit to search, that it might be made sure that they had no concealed weapons. After this affront, each of them, it is true, received a present of eighty pieces of gold (over \$350); but this first interview between the Senate and the Emperor did not inaugurate a reign of mutual confidence, and it will be seen that the rivals of Septimius always found partisans among the Conscript Fathers.

The murderers of Pertinax had been already beheaded; the other praetorians Septimius ordered to come and meet him at a designated place, where the legions of Illyria silently surrounded them, while another band went by unfrequented roads to take possession of the real citadel of imperial Rome, the intrenched camp between the Viminal and Colline gates. Thus having them in his power, he ascends his tribunal; he reproaches them angrily

¹ *Omnibus sortibus nactus* (Spart., *Ser.* 2). He was accused during the reign of Commodus of having consulted the Chaldaeans to know whether he should succeed to the Empire (*Ibid.* 4).

for their perfidy towards the late Emperor, then orders them to lay down their arms¹ and accoutrements, even to their military belts. These useless soldiers, just now so vain in their splendid array, who had so often brought terror to Emperor and Senate and people, were thus conquered without the striking of a blow. Degraded amidst the derision of the legionaries, mocked by the people, who saw these formidable warriors reduced to their mere tunics, they escaped as best they could to places of refuge. Penalty of death was pronounced against any who, after a certain number of days, should be found within the hundredth milestone from Rome, and some took their own lives, from shame.

The praetorian cohorts were disbanded. But Severus quickly reconstituted them out of different material. Up to his time they had been recruited chiefly from Italy;² he decreed that, as a reward for military services, picked men from all the legions should be enrolled as praetorians. This was a wise measure; the body-guard of modern sovereigns is thus made up. Since for more than a century the provinces had given Emperors to Rome, it was natural that they should also furnish praetorians. Severus employed the new cohorts in all his wars; but he left them the character of a permanent garrison of Rome, and so the danger remained the same. We shall see that he augmented it, indeed, by raising the number of the praetorians to forty thousand.

“At the city’s gates,” says Dion Cassius, “Severus dismounted from his horse, and laid aside his military dress before entering Rome; but his whole army followed him into the city. It was the most imposing sight I ever saw. Throughout the city were garlands of flowers and laurel-wreaths; the houses, adorned with hangings of different colors, were resplendent with the fire of sacrifices and the light of torches. The citizens, clad in white, filled the air with acclamations, and the soldiers advanced in martial order, as if at a triumph. We senators headed the procession, wearing the insignia of our rank.”³

Meanwhile emissaries of the new ruler, scattered through the

¹ That is to say, the short sword which they wore at the right side; their fighting arms they had left in the camp, in the *armamentarium*.

² Also they were drawn from Spain, Macedonia, and Noricum (Dion, lxxiv. 2).

³ Dion, lxxiv. 1. This writer, of more value for this reign than for those preceding it, is now our principal authority. Gibbon has yielded too much to the temptation of employing Herodian’s rhetoric in adorning his History.

crowd, related all the signs that had been given him of his approaching honors. Soldiers are fatalists, and have need to be so. Severus firmly believed in presages; but he especially wished men to believe in those which were favorable to himself. In his *Memoirs*, which are lost to us, he related with complacency the celestial signs, the dreams and oracles which had predicted his fortune; and he caused them to be represented in pictures which he exhibited in Rome, in order to show the world that the gods themselves had announced, and therefore had decreed, the advent of the new imperial dynasty.

Dion is right in representing to us the entry of Severus into Rome as a triumph. It was in fact the definitive victory, and this time the open victory, of the military power; but to the honor of Severus it was a victory unaccompanied by tears. A small number of guilty persons were the only victims.¹



FUNERAL PILE OF PERTINAX. (LARGE BRONZE.)

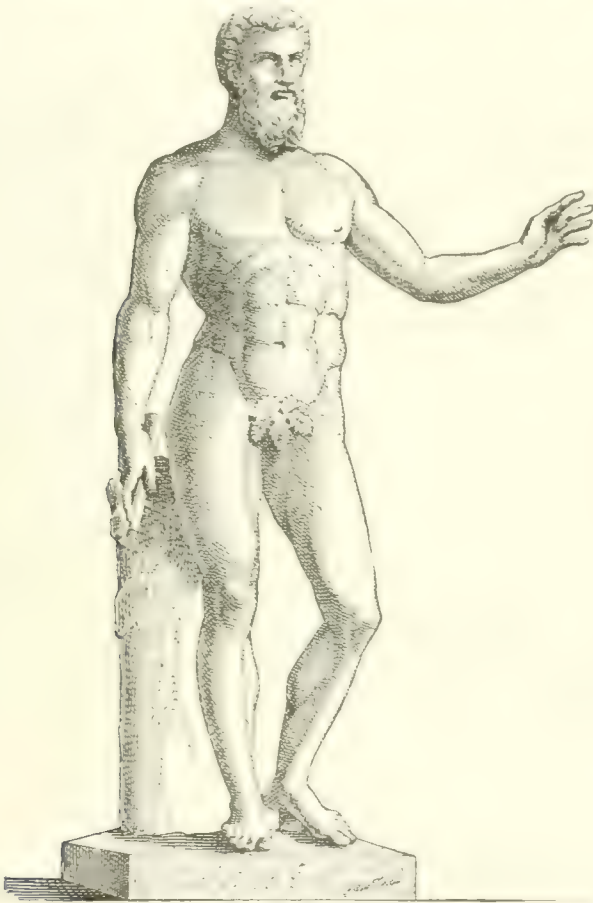
The character of the new reign was soon revealed. Vainly did Severus show himself very civil towards the Senate,² declare that he should take Marcus Aurelius and Pertinax for his examples, and solemnly promise that he would never put to death a member of the high assembly; the license of the soldiery proved what these words were worth. Feeling that they were the conquerors of the day, they treated Rome like a conquered city. They established themselves in the temples and palaces and under the porticos as if in taverns, taking from the shops whatever they wanted, and when called upon for payment drawing their swords. While Severus, surrounded by his armed friends, was haranguing the Conscript Fathers in the curia, the soldiers with shouts and threats came to demand from the Senate ten thousand sesterces apiece. This was what the soldiers of Octavius had received, and the army now felt that they

¹ Spartianus says (*Ser.* 8) that the friends of Julianus, accused in the Senate by Severus, were despoiled of their estates and put to death. Dion says only: τοῖς μὲν χειρουργήσαντας τὸ κατὰ τὸν Περτίνακα ἔργον θανάτῳ ἐξημίωσε (lxxiv. 1), and speaks of no further executions until those of the civil war. It was probably at that time that the senator Julius Solon perished (*Ibid.* 2).

² Civil he almost always was, at least in words. In the case of a *relatio* which he made later to the Senate on a question of law, he said: *Cui rei obreiam ibitur, patres conscripti, si consueritis* (*Fragm. Vatic. jur. Rom.* of Cardinal Mai, No. 158). Hübnér (*De Senatus populi Romani actis*, pp. 75 et seq.) gives the chronological list of the Emperor's communications to the Senate.

had won a second battle of Actium, and merited a like recompense. Much as Severus had already given them,¹ he was with great difficulty able to content them with a thousand sesterces apiece.

A few days later, funeral honors were paid to Pertinax. Severus had ordered a shrine to be erected to his predecessor,



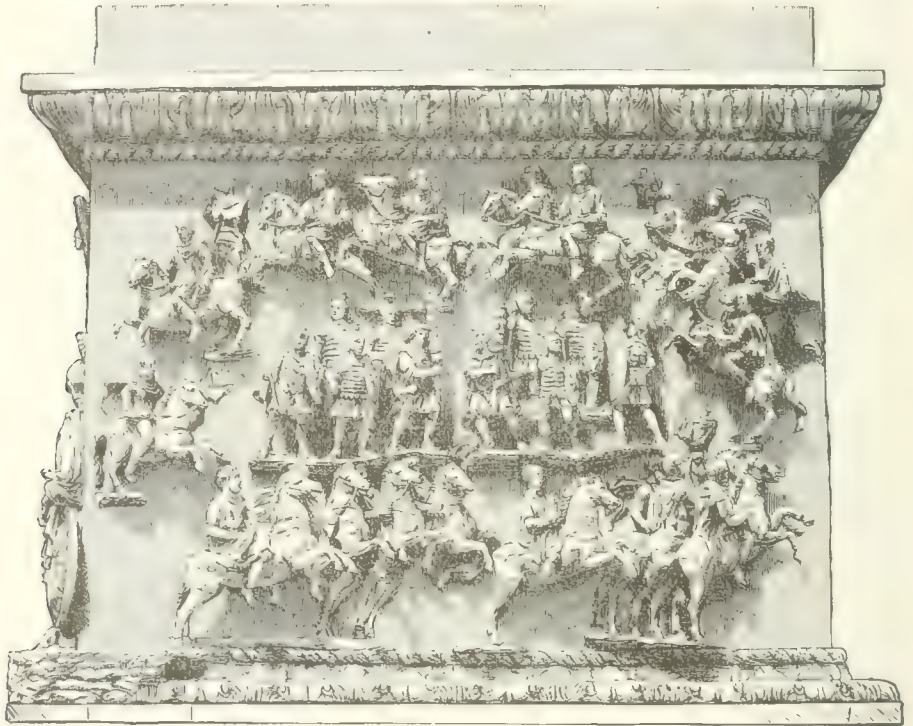
PERTINAX DEIFIED.²

that he should have a statue of gold in the circus, and that in all prayers and oaths his name should be invoked. In the Forum an edifice was constructed with a peristyle adorned with ivory and gold, in the centre of which, on a couch covered with tapestry of purple and gold, was placed the image of Pertinax arrayed in triumphal robes. As if he had only been asleep, a handsome

¹ Spart., *Sev.* 5.

² Statue in Pentelie marble, on which the antique head is set (Museum of the Louvre, Clarea, No. 463).

young slave kept away the flies from the waxen face with a fan of peacock's feathers. "The Emperor and we the senators, with our wives, all arrayed in mourning garments, seated ourselves around this building, the women under the porticos, we in the open space; and the procession began to move. First were carried



PROCESSION OF THE KNIGHTS AT AN EMPEROR'S FUNERAL.¹

the figures of Romans venerated since the earliest times; then followed choirs of boys and men singing a funeral hymn; then were carried bronze busts representing all the conquered peoples in their national costumes; then the busts of those who had distinguished themselves by their discoveries; then the standards of corporations;² the infantry, the cavalry, the horses of the

¹ Bas-relief from the Antonine Column, representing the procession of the knights at the funeral of Antoninus (Vatican).

² . . . ἀνδρῶν . . . οἷς τι ἔργον ἢ καὶ ἐξεῖρημα ἢ καὶ ἐπιτήδευμα λαμπρὸν ἐπέπρακτο . . . καὶ τὰ ἐν τῇ πόλει σιτιστήματα (Dion. lxxiv. 4). This singular passage will be noticed, and the presence in this procession of corporations or trades: these two phrases confirm what we have said of the importance of the humble trades at Rome. In the triumphs of Gallienus and Aurelian in Rome, in the entry of Constantine into Autun, the *collegia*, preceded by their banners (*vexilla*), had their place in the procession (Hist. Aug., *Gall.* 8, and *Aurel.* 34; *Panegyrici veteres*, viii. 8: . . . *omnium signa collegiorum*).

circus: and lastly a gilded altar adorned with ivory and precious stones.

"After this imposing procession, Severus ascended the rostra and read a eulogy on Pertinax, which we frequently interrupted with our acclamations. At its close we repeated our applause, mingled with sobs and groans. The magistrates in charge then took up the funeral bed and gave it to the knights to carry it into the Campus Martius, where the funeral pile had been prepared. Some of us walked in advance; some smote upon their breasts; others sang a funereal chant to the sound of flutes. The Emperor came last.

"The funeral pile, in the form of a tower of three stories, adorned with gold, ivory, and statues, bore on the top a gilded car driven by Pertinax. The bed having been laid upon the funeral pile with all that is usually placed near the dead, the Emperor and the relatives of Pertinax kissed the waxen image. Then the magistrates with their insignia, the equestrian order, the cavalry and the infantry, defiled past the spot (*decursio*); then the consuls applied the fire, and an eagle, escaping from the flames, rose into the skies. Thus Pertinax was raised to the rank of the immortals."¹

Dion is a poor writer, but we have borrowed from him this page as representing the customs of the time. We remark that at imperial funerals the senators represented the hired mourners of humbler obsequies. This grave Roman people took pleasure in cries and gestures, a violent expression of grief or joy, even if neither grief nor joy were sincere; and Italians of the present day in this respect resemble their ancestors.

Of the new Emperor's two rivals, Albinus and Niger, one had been kept inactive by deceitful promises, and the other, at the head of nine legions and numerous auxiliaries, had been acknowledged by Roman Asia, and in the Greek cities was coining money with Latin legends promising him victory and eternity (*Aeternitas Augusta* and *Incieto Imperatori*).² He had even set foot in Europe by the occupation of Byzantium, and his troops were marching upon Perinthus. Respect for adversaries was not a vir-

¹ Dion, lxxiv. 4 and 5. Cf. the account given by Herodian (iv. 3) of the funeral of Severus.

² Eckhel, vii. 154, and Cohen, iii. 213 and 217, Nos. 1 and 26.

tue of the ancients; the rival Emperors insulted each other like Homeric heroes before the combat. "He is only a mountebank of Antioch," Severus said of his rival. But in reality he valued



PESCENNIUS NIGER,
LAURELLED.¹



THE AUGUSTAN
ETERNITY.²



THE INVINCIBLE
EMPEROR.³

the other's abilities very highly,⁴ and considered him a formidable adversary. Niger, in fact, a soldier of fortune, had passed through the military grades, meriting the praise of Marcus Aurelius, of Commodus, and even of Severus himself. He was a vigilant guardian



SAECULO FRUGIFERO.⁵

of discipline. On one occasion he condemned two tribunes to be stoned who had secured profit out of the commissariat department,⁵ and had it not been for the entreaties of the army he would have beheaded some soldiers who had stolen a fowl. On another occasion his legionaries demanded wine. "You have water," he said to them, "is not that enough?" Never under his command did the soldiery require wood, or oil, or forced labor from the people of the provinces. In Rome, where men remembered that he was an Italian, Niger found partisans,⁷ and his affable manners had made him popular wherever he had held command. Dion doubtless ascribes to the crowd his own sentiments and those of a portion of the Senate when he shows the people, after a quarrel with the soldiers of Julianus, calling Niger to the aid

¹ Gold Coin. ² Reverse of a denarius of Pescennius Niger: a crescent and seven stars.

³ Reverse of a silver coin of Pescennius Niger; legend: INVICTO IMP. TROPHAEA, surrounding a trophy.

⁴ Spartianus (*Nig.* 4 and 5) asserts that during an illness at the beginning of the war, Severus wished, if he should die, to have Niger for his successor, and that, after his first successes, he offered the latter *tutum exilium si ab armis recederet*.

⁵ See, later, the letter of Severus to Celsus. Spartianus also gives a letter from Marcus Aurelius very honorable to Niger.

⁶ "To the Fruitful Age." Felicity, standing, holds a caduceus and a cornucopia. Reverse of a large bronze of Albinus.

⁷ Spart., *Nig.* 3; *ibid.* 2: . . . *Romae fautum est a senatoribus*. His father had been *curator* at Aquinum. He himself had begun his career by the rank of centurion.

of the Republic. In any case, one good sword was of more value than all the wishes of the people-king, and if they expressed any on this subject, they did but irritate Severus without being of use to Niger. Indolence has been ascribed to the governor of Antioch and the effeminate Syrian provinces; but even before his rival had quitted Rome, the prompt and well-judged measures of Niger had secured to him Asia and Egypt, had opened Europe, had guaranteed the neutrality of the Armenians, the succor of the Arab princes and chiefs of Mesopotamia, and even alliances beyond the Tigris.¹ He had not, therefore, in the delights of Daphne, forgotten the terrible part which he had resolved to play.

Severus had directed his lieutenants to organize resistance in Thrace, Macedonia, and Greece, and a legion sent into Africa guarded for him that granary of Rome. However, he had not a moment to lose: and so, thirty days after his entrance into Rome, he quitted the city, "to reduce to order the Oriental provinces," leaving behind him a distrustful Senate, but a people glutted with feasts and rejoicing in an abundant harvest.³ For more than a month his troops had been on the march towards the Propontis. They arrived in time to save Perinthus and drive the enemy back into Byzantium, which was at once blockaded by Marius Maximus.⁴ Negotiations opened by



LIBERALITAS
AUGUSTA.²

¹ The Parthian king had promised aid, the king of Atræ had sent him archers, the Adiabeniens and some independent tribes had declared for him (Spart., *Scr.* 9; Herod., iii. 1).

² Gold coin; Liberty bearing a *tessera* and a cornucopia (Cohen, iii. 253). Reverse of a coin of Septimius Severus.

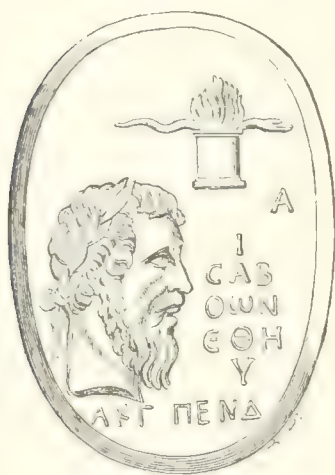
³ For this same year, 193, we have coins of Albinus and of Niger with the legend: *Sacculi frugifero, Cereæ frugiferae*.

⁴ Upon the question whether this Marius Maximus should be identified with the historian of that name so often quoted in the *Augustan History*, see Borghesi, v. 475; Henzen, No. 5,502; L. Renier, Spon's ed., p. 397; and for the opposite opinion, Budinger, *Untersuchungen zur röm. Kaiserg.* iii. 30-33. The lieutenant of Severus commanded with the title of *dux* a corps drawn from the legions of the two Moesias. This title, which we meet for the first time under Hadrian, a title which in the time of the Gordians made part of the official hierarchy, designates not an imperial legate at the head of the legions of his government, but a general intrusted with the command of a special expedition, and having no other *imperium* than that which he exercised over his soldiers. Cf. Borghesi, v. 462. Under Marcus Aurelius, Candidus, another lieutenant of Severus, had been *procurator copiarum* (Orelli, No. 798, and vol. iii. p. 78). Two other inscriptions, in Gruter (p. 389,2), and in Marini (*Iscriz. Alb.* p. 50), give the title of *dux* to Tib. Cl. Candidus and to L. Fabius Cilo in the time of Septimius Severus. No earlier mention of this title is known (L. Renier, Spon's ed. of 1858, p. 299. Cf. Henzen, *Annali*, xxii. 40). The principal lieutenant of Niger

Niger having failed,¹ the rest of the army crossed the Hellespont in the fleets of Ravenna and Misenum, and it does not appear that Niger disputed their passage. A victory was gained by them near Cyzicus, and then a second in the neighborhood of Nicaea, in which engagement Niger commanded in person.

Five centuries earlier, Alexander had gained a victory near this spot, making himself master of Asia Minor. The double defeat of Niger now threw him back, as Darius had been driven after the

battle of the Granicus, across the Taurus. In the gorges of the mountains he constructed intrenchments at the Cilician Gates which he believed would be impregnable; but a torrent, swollen by a violent rain, made a breach, through which the Illyrians entered. In a third action, near Issus, the Asiatic legions, notwithstanding the advantage of number and of position, could not sustain the onset, and lost twenty thousand men. Niger fled to Antioch, and was proposing to seek an asylum among the Parthians when he was seized and beheaded. His head, carried into the



PESCENNIUS NIGER.²

camp before Byzantium, was exhibited to the besieged; but the sight did not intimidate them (194). As in almost all engagements between the legions of Europe and Asia, the latter were conquered.

Severus seems to have been absent from all these battles, not through fear, but through confidence in his generals, and doubtless in order to remain within reach of couriers from Gaul and Italy, who might bring him news of some storm gathering in the West.³

was the proconsul of Asia, Asellius Aemilianus, who was killed at Cyzicus (Dion, lxxiv. 6. Cf. Waddington, *Fastes des prov. asiat.* p. 245).

¹ He demanded a share of the Empire; but Severus would grant nothing except *tutum exilium* (Spart. Nig. 5).

² Engraved stone (red jasper, 31 mill. by 22). *Cabinet de France*, No. 2,999. In the upper part an altar; in the midst of flames, the serpent of Aesculapius. In the field two inscriptions, thus interpreted by Charles Lenormant: "To Aesculapius, Julius Sabinus, diviner, has consecrated (this stone), for the health of the Emperor Caesar Caius Pescennius Niger, the Just." The intaglio is, therefore, an *ex-voto*. Cf. *Trésor de Numismatique*, *Icon. rom.* pl. xli. p. 75, and Chabouillet, *op. cit.* pp. 272-273.

³ He seems to have remained for some time at Perinthus, a city well selected under the

Many Eastern cities involved themselves in this civil war for the purpose of gratifying those local feuds and inveterate jealousies to which all history bears witness. Thus Nicæa, Laodiceia, Tyre, and Samaria took sides with Severus, because Nicomedeia, Antioch, Berytus, and Jerusalem had declared for his rival.

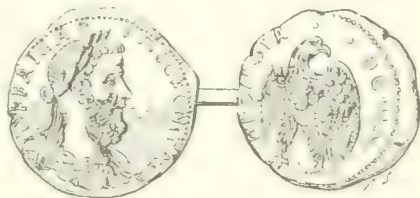
In Palestine the Jews and Samaritans fought with one another fiercely. In the West Albinus will find a hundred and fifty thousand Britons, Gauls, and Spaniards to follow his fortunes, while others will follow the fortunes of Severus.

Thus it happened whenever the imperial authority was divided. Without Rome and a unity of command, the world would have fallen back into chaos.—a truth never to be lost sight of, for it is the justification of the Roman Empire in history.

Niger being overthrown, his partisans were punished and his adversaries rewarded, after the customary procedure and in the spirit of all ages. Antioch, which had struck coins in honor of the Asiatic emperor, lost her privileges and her title of metropolis, which Laodiceia inherited for the entire reign of Severus.² This city, Tyre, Heliopolis, or Baalbec, and others, obtained the titles of colonies, with the *jus Italicum*.³ Severus however pardoned the Jews who had declared for Niger;⁴ but Nablous lost its citizenship, while Samaria obtained the rank and privileges of a Roman colony.



COIN OF THE COLONY OF LAODICEIA.¹



COIN OF ANTIOCH WITH THE NAME OF PISCENNIUS NIGER.¹

circumstances, whence he could keep watch at once over Europe and Asia. Cf. Eekhel, ii. 41; iv. 440.

¹ SEP(timia) COL. LAVD. METRO(polis), in four lines, surrounded with a wreath of olive-leaves. Reverse of a bronze coin of Laodiceia under Geta.

² Eekhel, iii. 200. According to Malalas (*Chronogr.* xii. 294), he authorized the inhabitants of Laodiceia to take his name, Septimius; he made them very great largesses, instituted gratuitous distributions, παρέσχεν αὐτοῖς σίτω καὶ χρήματα πολλά, constructed in their city a hippodrome, a cynegion, hot baths, a hexastoon, and gave the senatorial laticlave, ἀξίως συγκλητικῶν, to all of their most notable citizens who survived, ἀξιωματικοῖς.

³ *Digest*, I. 15, 1.

⁴ ΑΥΤΟΚ. ΚΑΙΣΑΡ Ε. ΠΕΚΚΕ. ΝΙΓΡΩ Δ. around a laurelled head of P. Niger. On the reverse: ΠΡΟΝΟΙΑ ΘΕΩΝ, the *Providence of the gods*, and an eagle. Silver coin.

⁵ *Palæstina's postumicensis* (Spart., Ser. 14). Coins are extant of Caesarea and Jerusalem bearing the name of Niger. Cf. De Sauley, *Namism. de la terre sainte*.

The siege of Byzantium, which lasted about three years,¹ has remained as famous in history as are those of Tyre and Carthage, of Rhodes and Jerusalem. Dion describes the massive walls of the city: its towers furnished with formidable engines; its harbor closed by a chain and also made secure from attack by the current of the Bosphorus: lastly, its ships with double rudder, which, changing direction without turning around, fell suddenly upon the Roman galleys, from which they had appeared to flee, and broke them with their beaks. The superiority of defensive warfare was at that time so great that this city, surrounded by a numerous army and threatened by all the fleets of the Empire, could not be taken by assault; it was necessary to wait until famine forced these brave men to lay down their arms. A great number perished in attempting to escape at the last; the remainder, having fed on all possible food, and even human flesh, opened the gates. The chiefs and soldiers were butchered, the walls broken down, and Byzantium, reduced from its rank of a free city, became a mere village in the territory of Perinthus. A fellow-countryman of Dion, the engineer Priscus, had directed this gallant defence. He was, like the rest, condemned to death; but Severus pardoned him to attach him to the Roman service.



COIN OF JERUSALEM WITH THE NAME OF PESCENNIUS NIGER.²

The friends of the claimant shared therefore in his misfortunes, as they would have done in his success. Niger would not have been more element, for after the battle of Cyzicus he had ordered his Moorish cavalry³ to sack the cities which had declared for his antagonist. But Severus, still faithful to his oath, put to death none of his enemies who were of senatorial rank,⁴ but con-

¹ From the middle of 193 to the spring of 196.

² IMP. CAES. C. PESC. NIGER IVS(tus) AVG. surrounding the laurelled head of Pescennius Niger. On the reverse: COL. AEL. CAP. COMM(odiana) P(ia) F(elix). The genius of Aelia Capitolina Commodiana (Jerusalem), bearing in the right hand a human head. Bronze coin (De Sauley, pl. v. fig. 7). Coins of Tarsus and Aegae, in Cilicia, prove that these cities also took the name of Commodus.

³ We have still the epitaph of a Sidonian killed in this "war of the Moors." Cf. De Sauley, *Deux anses, de Saïda*.

⁴ Τῶν δὲ δὴ βουλευτῶν τῶν Ῥωμαίων ἀπέκτεινε μὲν οὐδένα (Dion, lxxiv. 8). Spartianus

tented himself with confiscation and a sentence of exile. Others, who had furnished money, paid a fine of fourfold the amount. Dion accuses Severus of having revived the trade of the informers and of having condemned the innocent. The historian's text,



SEPTIMIUS SEVERUS.¹

extremely mutilated in this place, does not permit us to discuss this fact, which indeed would not have surprised a people habituated by long usage to political retaliations. But another conclusion may be drawn from the following incident. Cassius Clemens, a senator,

(*Ser.* 9) says that only one perished; but as he copies indiscriminately the information which his reading furnished him, he contradicts himself three times in one passage.

¹ Bust found at Porto d' Anzio; Capitol, Corridor, No. 3.

being called before the tribunal of the Emperor, said in his defence: "I knew neither you nor Niger: finding myself in his party, I yielded to necessity, not for the purpose of fighting against you, but of dispossessing Julianus. I therefore was pursuing the same object as you. If, later, I did not abandon the chief whom the gods had given me, neither would you have wished that any one of those who now surround you as my judges should have abandoned you and gone over to your rival. Examine the matter in itself. Your decision against me will be a decision against yourself and your friends; for posterity will say that you made it a crime in us to have acted as you yourself have done." Severus, admiring his courage, deprived him of but one fourth of his property, — a partial justice which appeared a great indulgence. During the struggle he had been heard to say that he would pardon Niger if the latter would anticipate defeat by an abdication; and it is possible he might have kept his word, for he contented himself after the victory with exiling from Rome the wife and children of his rival, and he respected the statues of Niger and their ostentatious inscriptions. "If these praises be just," he said to those who advised him to efface them, "and they are so, it is well to let men know what an enemy we have conquered." Lastly, he granted an amnesty to the soldiers, and restored to their homes a great number of them who had taken shelter with the Parthians. Severus was not therefore always the pitiless man he is represented in ordinary history. He ended by even granting favors to that city of Byzantium which had so long held his fortune in check. Its site was too remarkable for an intelligent ruler to leave it long in ruins.¹ He aided in rebuilding it, erected baths, a temple of the Sun, another of Artemis, an amphitheatre, a hippodrome, etc., "being scrupulous," says an old writer, "to buy from their owners the houses or gardens he required in his new buildings."² He granted them aid from the army treasury, and permitted the city to take the name of his son. Up to the time of Caracalla's death Byzantium was called the Antonine city.³

¹ . . . *Situnque loci amoenum contemplatus, Byzantium instauravit* (*Chron. Alex., ad ann.* 195, and Malalas, xii. 291, edit. of Bonn).

² . . . ἀγοράσας οἰκήματα (*ibid.*). Malalas and the *Chron. of Alexandria* perhaps go too far in one direction: Dion goes equally far in an opposite direction when he affirms (lxxiv. 14) that Severus confiscated the lands of the inhabitants, — which cannot be true, since he did not send a colony to it, and yet Byzantium continued to exist.

³ ἡ πόλις Ἀντωνία (Hesychius Miletus, in C. Müller's *Frag. Hist. Graec.* iv. 153).

The stern judge of the allies of Niger became the benefactor of subjects returning to their allegiance.

Philostratus¹ gives another proof of his spirit of justice, and it was a citizen of Byzantium who profited by it. The siege of the city was still in progress when one of its inhabitants, a famous actor, merited at the Amphictyonic games the prize for tragic declamation. The judges dared not give it to him, and the matter was reported to Severus, who ordered the prize to be conferred. The matter is a trifle; but among the ancients an act of justice like this was not of common occurrence.



SEPTIMIUS SEVERUS, ON A COIN OF SMYRNA.²

During the siege of Byzantium, Severus had regulated the affairs of Syria and punished the people of Osrhoene, although they boasted of having murdered the fugitives of Issus, who had taken refuge with them. The Empire kept up a few garrisons on the farther side of the Euphrates. To strengthen in these countries the imperial authority, which had been somewhat impaired by the civil war, and to punish the allies whom



NO. 1. GOLD COIN.³



NO. 2. BRONZE.³

Niger had found there, the Emperor led his legions into Upper Mesopotamia, where, since the great expedition of Cassius in 165, no Roman army had appeared. He sent his generals still farther, and they easily got the better of the Arabs and Adiabeniens on the two banks of the Tigris. It was for his interest to smother the noise of civil war by the resounding clamor of victories gained

¹ *Vitae Soph.* ii. 27.

² ΑΥ. ΚΑ. ΚΕ. ΚΕΟΒΗΡΟΚ Η. (Autocrator Caesar Septimius Severus Pertinax). Laurelled bust of Septimius Severus. On the reverse: ΕΠΙ ΤΗ ΣΤΡΑ. ΚΑ. ΚΤΡΑΤΟΝΕΙΚΟΥ ΚΜΠΝΑΙΟΝ (Under the Strategus Claudius Stratonicus, coin of the people of Smyrna). Turreted Cybele seated, the left elbow resting on the tympanum, holding in the right hand two figures of Nemesis; at her feet, a lion. Bronze (Mionnet, No. 1,342).

³ Coins commemorative of victories over the Parthians, Arabs, and Adiabeniens. Captives at the foot of a trophy, with the legend: PART. ARAB. PART. ADIAB. COS. II PP. The bronze coin has, as usual, the signature of the Senate: S. C. (Cohen, No. 537.)

in foreign lands. But he was too prudent to go far into these remote regions until he had regulated the affairs of the Western provinces. He himself went no farther than Nisibis, a stronghold which the Parthians had given to the Jews, who were numer-

CAPTIVE PARTHIAN.³

ous in those countries, and they had carefully fortified the place.¹ Situated on the lower slopes of Mount Masius, half-way between the Euphrates and the Tigris, Nisibis was destined to be the centre of defence for this region, and the bulwark at once of Syria and of Southern Armenia against the Parthians and Persians.

This war had assumed no very great proportions,² and whatever Dion may say of the occupation of Nisibis, "which costs more than it brings in," the policy was wise. Thus to terminate one civil war on the eve of another which could easily be foreseen, was to act as a ruler should who has the interests of his empire well in mind.

Severus was still in Mesopotamia in the spring of 196, when

SILVER COIN GIVING ALBINUS
THE TITLE OF AUGUSTUS.⁴COIN OF ALBINUS STRUCK AT SIDON.⁵

news of the surrender of Byzantium reached him. This news decided his return to Europe, whither, besides, he was recalled by the anxieties which Albinus was beginning to cause him. He had adopted the latter as his son,⁶ had granted him the title of

¹ Sainte-Croix, *Mém. sur le gour. des Parthes*, p. 17.

² It gave Severus, however, the four salutations as *imperator* which coins and inscriptions indicate for the year 195.

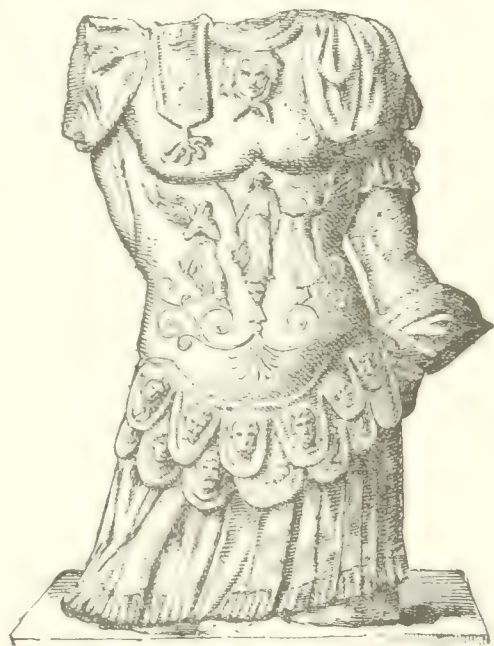
³ Bas-relief from the Antonine Column.

⁴ Cohen, No. 42.

⁵ C. KΛΩΔΙΟC AΛΒΕΙΝΟC KAICA, around bare head of Albinus. On the reverse: CΛΑΥΔΙΟΝ. Pallas and a female figure, with hands clasped, each holding a spear. Bronze.

⁶ This at least is to be inferred from the name of Septimius which Albinus assumed, and the custom of the Emperors when they conferred the title of Caesar. Hence coins were struck

Caesar,¹ that is to say, of heir presumptive, and had designated him to share with himself the consulship of the next year. Coins were struck in honor of Albinus with this title: statues were erected to him, and sacrifices offered in the name of the two Emperors. Before setting out for the East, Severus had written to him: "The State has need of a person like yourself, of illustrious birth and in the prime of life. I am old and suffer from the gout, and my sons are only boys."² But for three years Albinus had been left out of all important affairs. Severus had reserved for himself alone the supreme power, even in respect to the smallest matters. It is possible that an inscription relating to works ordered by him from far off in Asia, in an obscure city of Latium, may not be genuine;³ but we have the text of a rescript which he sent from the shores of the Euphrates to Rome touching the guardianship of the property of minors.⁴ Another conqueror



ANTIQUE FRAGMENT OF A STATUE OF CLODIUS ALBINUS (SO CALLED).⁵

in honor of Albinus at Hippo Libera, Sidon, and Smyrna (Cohen, vol. iii. *ad fin.* A/b.). Eckhel thinks (vii. 165) that if he had obtained the name of Severus, he would have relinquished it after the rupture between them; but this reason does not seem sufficient.

¹ According to Capitolinus (*A/b.* 2 and 6), Commodus, rendered anxious by the schemes of Severus, had already offered that title to Albinus, which the latter, foreseeing the approaching downfall of the Emperor, and saying that Commodus was seeking companions in his ruin, had refused. The silence of Dion and of other writers does not allow us to accept this letter, which is moreover of so strange a character.

² For instance, the taurobolium of Lyons in 194 (Orell-Henzen, No. 6932).

³ Herod. ii. 48. Caracalla was born in 188; Geta the year following.

⁴ Spon. *Mss.*, p. 270.

⁵ Torso of Pentelic marble found near Civita Vecchia. The cuirass has a head of Medusa and under it a palladium, as if to say: I terrify and I protect. The statue (restored) is in the Vatican under the name of Clodius Albinus.

⁶ *Dio.* xxvii. 1, 1. It was read in the Senate, June 15, 193. Others are dated from Viminacium (*Cic.* iv. 12, 1), from Liberacum (*Cic.* ii. 1), and from Antioch (*Cic.* vi. 46, 2); but in the case of the latter there is an error either as to the date, July 22, 200, or else as to the place where it is said to have been written.

took pleasure in dating his decrees from Warsaw or from Moscow, — six hundred leagues distant from his own capital. Albinus, reduced to mere empty honors, saw the sons of Severus growing older, and required but little foresight to be aware that these boys, when they became men, would be formidable competitors to himself. His three legions of Britain were devoted to him; those of Gaul and Spain,¹ which alone of all the armies had never made an Emperor, would naturally be desirous to associate themselves with the fortune of a new ruler. At Rome the former friends of Pescennius and all those who were distrustful of Severus turned their hopes towards Albinus. His illustrious birth was spoken of; the gentleness of the Caesar was contrasted with the harshness of the Augustus; it was believed that under him the Senate would recover its authority;² and some of the most important senators advised him to take advantage of the difficulties of Severus in the East and lay hands upon Rome and Italy. The letters found later among the papers of Albinus reveal these secret intrigues. Medals give us reason to think even that a certain number of the Conscript Fathers went to join Albinus, and that a counter-senate was established, as formerly had been done by Pompey in Greece and Scipio in Africa, and as later, Postumus did in Gaul.³

¹ Borghesi (*Œuvres complètes*, iv. 265) counts thirty-three legions in the reign of Severus, of whom four were in Germany and one in Spain. Which side these five legions took, we do not know; but we do know that the partisans of Albinus were numerous in Gaul and south of the Pyrenees, since after the battle of Lyons there were still disturbances in these provinces, and, according to Spartianus (*Ser.* 12), *Hispanorum et Gallorum proceres multi occisi sunt*. Severus must in the beginning have attached to his party the legions of Upper Germany, and we see that his army came into Gaul by way of that province. But we cannot doubt that Albinus early began to intrigue with the legions of Lower Germany, so close to Britain, and where he had probably been in command. Cf. Roulez, *Les Légats des provinc. de Belg. et de Germ. Infér.* p. 44. The passage of Capitolinus (*Alb.* 1) would prove that the legions of Gaul, those, at least, of the Lower Rhine, had made common cause with the army of Britain. Two facts are certain. Severus, at the head of his praetorian guard and the contingents that he had obtained from the twenty-seven legions stationed in the countries under his power, was near failing in the struggle; and for Albinus, who was victorious several times, to have been able at the last moment to put his rival in great danger, it must have been the case that he had not merely tumultuous levies from Gaul and Spain, but well-organized forces in considerable number. Dion speaks of one hundred and fifty thousand men in array on each side. The figures given by the ancient authors can never be absolutely accepted; but we have the right to conclude from what Dion says that the forces on both sides were equal, and that they were numerous.

² See the discourse, so republican, or rather so senatorial, attributed by Capitolinus (13) to Albinus. It is impossible that words like these were ever spoken before an army; but they have been ascribed to Albinus on account of his well-known sentiments in respect to the importance of the senatorial order.

³ Cf. Eckhel, vii. 165, and Spart., *Ser.* 11.

Severus could not be unaware of these proceedings of the Roman nobles, and he doubtless had long distrusted them, although Albinus in 195 had again sent him large sums of money to aid in succoring the cities ruined by Niger. As the Emperor was on his way back to Italy through the valley of the Danube, there reached him, when near Viminacium, news from Britain and from Rome which decided him to precipitate the inevitable rupture:¹ doubtless the announcement that Albinus had assumed the title of Augustus and was preparing to come down into Gaul. Severus had just emerged victorious from two wars, and had twice traversed the richest provinces of the Empire; he had given his soldiers military fame, and he could give them gold. Therefore he had but little trouble in inducing them to declare Albinus a public enemy, and to proclaim his own son Caesar and *Princeps Juventutis* under the name of Aurelius Antoninus.³ He himself had already taken the designation of the "son of Marcus Aurelius."⁴ "At last he has found a father," men said, displeased by the success of the low-born Emperor.⁵ But it was no mere taking of a name. The act must have been preceded by a veritable adoption with all legal forms, for Severus insisted that it should have all civil consequences. Naturally there was missing at the ceremony



SEPTIMIUS SEVERUS AND HIS ELDEST SON CARACALLA.²

¹ Spartianus attributes this rupture to Albinus; Dion, to Severus. In either case, it was inevitable. It occurred earlier than June 30, 196, for we have a rescript of that date signed Severus and Caracalla (*Code*, iv. 19, 1). The compilers of Justinian's time gave Caracalla the title of Augustus in it. But this is an error which they often committed in the case of this prince. We must use with prudence the dates furnished by the *Pandects*. Eckhel (vii. 387) says, speaking of these laws signed by the Emperors: . . . *Harum testimonia quamvis infirma, satis compertum*.

² Intaglio of 27 mill. by 10; sardonyx of three layers (*Cabinet de France*, No. 2,100). Severus and Aurelius Antoninus are both laurelled and wear the *paludamentum*. This engraves stone merits, both by the beauty of the material and the excellence of the workmanship, to be placed beside the cameo representing the family of Severus. See later, p. 504.

³ Eckhel, vii. 109 and 173; Dion, lxxv. 7; Spart., *Sev.* 10. At this time first appeared the formula: *imperator destinatus*. Cf. L. Renier, *Inscr. d'Alg.*, No. 1,826.

⁴ A coin of the year 195, in which Severus bears the title of the son of Marcus Aurelius, represents him holding in his hand a Victory and being crowned by Rome (Cohen, iii. 298.)

⁵ Dion, lxxvi. 9.

the principal actor, namely, the adoptive father, who had been dead for fifteen years. But in some way or another imperial omnipotence obviated this difficulty, as Galba had done in the case of Piso, whom he adrogated¹ without curiate assembly, in virtue of his office of Pontifex Maximus, and as Nerva had done in the case



CLODIUS ALBINUS.²

of the absent Trajan, although the presence and the consent of the person adopted were necessary. Severus was also Pontifex Maximus, and what was legal in the case of a person absent was equally so in respect to one who was dead. Henceforth in the inscriptions of Severus, above all his other titles is placed his

¹ In respect to the *adoptio* and *adrogatio*, see Vol. V. p. 530. After the time of Diocletian the *adrogatio* was made by mere imperial rescript (*Code*, vii. 48, 2).

² First in the Campana Museum, found in the Roman Campagna (Henry d'Escamps, *Descr. des Marbres du Musée Campanien*, No. 103).

descent from the Antonines,¹ and his sepulchral urn was deposited in their tomb.

This singular act had a double motive. Severus designed to draw upon his family the splendor of the most illustrious of the imperial dynasties, the famous Antonines, whom poets now raised higher than the very gods;² and he also wished, at the same stroke, to seize upon the vast estates that five generations of Emperors, following each other in hereditary succession, had bequeathed to Commodus. On the death of this Emperor an immense fortune had passed to his three sisters; and Severus, rendered anxious by such great wealth in the hands of private individuals, had taken part of it at once, as political inheritor, and proposed to secure the rest proximately as civil heir, by making himself the son of Aurelius. Thus in a day the poorest of the Emperors became the richest.³

The act had serious results. As long as Severus bore only the name of Pertinax, which was dear to the Senate, this assembly, not without some distrust, allowed events to take their course, without attempting, even by the expression of a wish, to modify them. But to call himself the brother of an Emperor whom the Conscript Fathers held in execration, and to rehabilitate that accursed memory, was to justify the acts of Commodus and accept also as an inheritance his hatred towards the nobles. Henceforth fear and anger brooded over the curia, and the Senate, in their thoughts, conspired for Albinus.

Was the rupture preceded, as has been asserted, by an attempt at assassination?⁴ All men at that time held that a dagger-thrust was a good way of simplifying a difficult question, and in this

¹ *M. Antonini Pii filius, Commodi frater, Antonini Pii nepos, Hadriani pronepos, Trajani abnepos, Nervæ abnepos* (L. Renier, *Inscr. d'Alg.* No. 3,277). A daughter of Marcus Aurelius, *Uibia Aurelia Sabina*, is called a sister of Severus (*Ibid.* No. 2,718). There has been lately discovered at Lamoricière, in the province of Oran, an inscription in which Severus is called the son of Marcus Aurelius (*Comptes rendus de l'Acad. des inscr.*, 1882, p. 96).

² Lamp., *Macr.* 7.

³ Up to the time of his consulship he had had in Rome only a very small house and a little landed property, *quæ aedes brevissimas habuisset et unum fundum* (Spartianus, *Soc.* 4). The successor inherited the property of the dead Emperor, even to legacies, which, though made, had not yet been paid (*Dioc.*, xxxvi. 56). In this way the Flavians had inherited the Chersonesus, the property of the first Caesars (*C. I. L.* iii. 726). To manage that great fortune Severus instituted a *procuratio eorum prædiorum*, which became permanent (*Ibid.* 12).

⁴ Capit., *Alb.* 7, and Herod., iii.

respect Severus doubtless felt as his contemporaries did. But men who stood exposed to surprises like these were accustomed to guard themselves carefully, and the procedure attributed to the Emperor was so easily to be discovered that we may doubt if he employed it. Spartianus and Dion make no mention of these emissaries sent with fictitious letters and poison, who, according to the confession that torture so often wrings even from the innocent, were to attract Albinus to a secret conference and stab him there, or else gain over his cook and have poison mingled with his food. The British Caesar was too much interested in putting in circulation rumors of this kind for us not to suspect their authenticity.

Severus ordered everything for the approaching campaign with his usual promptitude. Troops hastened to guard the defiles of the Alps, while the bulk of his forces, still ascending the valley of the Danube, turned the mountains on the north and entered Gaul through the province of Upper Germany. He himself made a rapid journey to Rome,¹ where he caused the Senate to confirm his army's declaration against Albinus, and also the elevation of Caracalla to the rank of Caesar. He then returned to take command in person of his forces, who were advancing, divided into two corps. A deputation sent some time after by the Senate found Caracalla in Upper Pannonia, where his father had left him, and Severus in Upper Germany.²

Dion relates a curious fact. A humble grammarian of Rome, fired with martial ardor, suddenly closed his school and betook himself to Gaul. He gave out that he was a senator intrusted by the Emperor with the duty of levying an army. He raised troops and defeated many corps of the army of Albinus. Severus, under the idea that he was a senator, wrote to him congratulating him. Numerianus scoured the country, levied contributions on hostile cities, and collected over 17,000,000 drachmae, which he sent to the Emperor. The war being ended, he presented himself before Severus and confessed the truth. He was offered whatever he desired; but he even refused to enter the Senate, and accepting only a small pension, went to live in the country. Here we have

¹ Eddel, vii. 175; Cohen, iii. 275.

² L. Renier, *Inscr. d'Afrique*, No. 1,826; *Mél. d'érig.*, p. 163; Henzen, *Bull. de l'Inst. archéol.*, 1853, p. 88. The deputation mentioned in this inscription was sent in 196.

a schoolmaster who was at once a philosopher and a man of action : but what he was able to accomplish shows the great disorder of the times.

If we may believe Dion, three hundred thousand men, a hundred and fifty thousand on each side, were ready to join battle in Gaul. Rome with melancholy gaze followed these distant events.



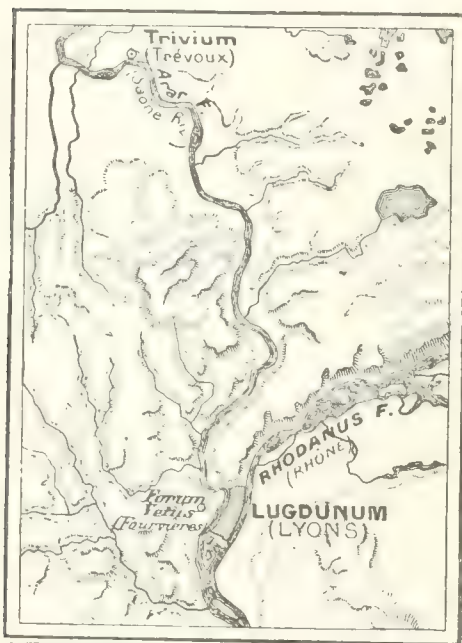
CLODIUS ALBINUS.¹

"While the world was shaken by this great shock," says the historian, "we senators remained sad and inactive. The people, even in their wonted amusements, manifested their grief. At the games of the circus I saw an immense multitude, but they paid no attention to the races, there was not a cry, nor a word of encouragement to the charioteers. Suddenly, out of the great silence all exclaimed, as with one voice: 'Peace, for the safety of the people!'" The

¹ Bust of the Capitol, Hall of the Emperors, No. 49.

Senate and the city, powerless against these ambitious men, asked only repose under whichever master. It was, in a different form, the sentiment of Asinius Pollio before the battle of Actium: "I shall be the spoil of the victor."

An engagement in which the troops of Albinus had the advantage over the lieutenant of Severus preceded the main action,



LYONS AND ITS ENVIRONS.

which took place on the banks of the Saône, between Lyons and Trévoux. The army of Severus, coming from the north-east, faced southward; the forces of Albinus were drawn up facing the north and covering Lyons, where they had their military supplies. Since his accession to the throne, Severus had been accustomed to direct all military operations from a distance; but this time he himself led his troops to the attack, for all his fortune was staked in this final encounter, and the treason that he knew to exist in his rear obliged him to conquer or perish. He did indeed

risk his life; but a cavalry charge by Laetus decided the victory. The conquerors entered Lugdunum, pursuing the fugitives. Albinus, on the point of falling into their hands, made an unsuccessful attempt to kill himself; still living, he was carried into the presence of the Emperor, who at once ordered him to be beheaded. Severus thus remained undisputed master of the Roman world (Feb. 19, 197). Herodian well says: "That one man should have been able to overthrow three competitors already in possession of power; that he should have destroyed one of these in his palace in Rome, the second in the remote East, the third in the remote West, — this is a success almost unparalleled in history."¹

¹ Herod., iii. 23. The expedition against Albinus occupied the later months of 196 and the first two of 197. Dion gives us an exact date for the middle point of hostilities, the

But the moment when Severus attained this fame is also that in which he stained his name with blood.

On the news of the first successes gained by Albinus, the Senate, believing the Emperor ruined, had hastened to coin a silver



SEPTIMIUS SEVERUS.¹

piece bearing the name of the new Augustus, and to accord honors to his brother and near relatives.² On the part of men so circumspect, this was a very great imprudence, which can only be explained by the arrival of some misleading bulletin from Albinus. Severus immediately wrote to them, expressing his regret at

incident of which he has just spoken occurring on the eve of the Saturnalia; that is to say, Dec. 16, 196.

¹ Bast in the Museum of the Louvre.

² Spart., *Sec.* 11; *Capit. Ab.* 9; Cohen, iii. 227. The Senate could only coin copper pieces; to coin silver was therefore a usurpation on their part.

becoming aware of their preference for Albinus. He had liberally provided for the city, he said: he had made many wars for the Republic; and by Niger's death had delivered them from tyranny. He reproached them for their ingratitude towards himself in accepting as their emperor an adventurer from Hadrumetum who claimed to be of the family of the Ceionii. From this man they

ALBINUS.²

expected consulships and commands,—a trickster skilful in imposture. To him they no doubt proposed to offer a triumph as to an illustrious conqueror; and he ended the letter with expressions of contempt for the literary claims of his rival.¹ Before subduing him by force of arms, Severus desired to render Albinus an object of ridicule, depriving him of the ancestry which he claimed and of the talents for which others gave him credit,—two sources of pride which the Emperor himself enjoyed.

After the battle of Lyons came a still more terrible message,—the head of Albinus set up on a spear in front of the curia, and these words, concluding a threatening letter: “It is thus that I treat those who offend me.” Severus himself soon appeared in the Senate (June, 197). “He commended the severities of Sylla, Marius, and Augustus, which had saved them, and blamed the moderation of Pompey and of Caesar, which had been their ruin.” He then apologized for Commodus, reproaching the senators for voting the latter infamous,³—

¹ Capit., *Alb.* 12. It is a question whether this letter is authentic. Dion (lxxv. 7) speaks of threatening letters, but quotes none; what we have of the addresses of Severus to the Senate give us reason, however, to accept this as genuine.

² Vatican, Hall of Busts.

³ According to Dion, we may believe that it was not until this time that he declared the latter *divus*, ἡρωικὸς ἐδίδου τυμᾶς: an inscription of the year 196, in which Severus is spoken of as “the brother of the divine Commodus,” proves that this Emperor’s apotheosis preceded the battle of Lyons. In assuming the position of son to Marcus Aurelius, at least from

they who themselves for the most part lived in a more infamous manner. At the conclusion of his address, which caused the Senate great alarm,¹ a capital process was instituted against sixty-four senators accused of complicity in the designs of Albinus. Thirty-five, proved innocent, resumed their seats; and Dion, who is not friendly to Severus, declares that the Emperor behaved towards them as if they had never given him cause to doubt their fidelity. Twenty-nine, being condemned to death, were executed.² Among this number was that Sulpicianus whom we saw, after the murder of Pertinax, chaffering for the Empire and kissing the hands stained with his son-in-law's blood. Partisans of Niger who had hitherto been spared, now perished,—his wife, children, and six of his near relatives: Severus at this time made a final settlement of all accounts.

These severities find, though not their excuse, their explanation, in the dangers through which the Emperor had just passed: before him, a formidable adversary supported by the forces of the Western provinces; behind him, in Italy, treason; in the East, a Parthian invasion and a military revolt, that of the Third Legion of Cyrenæica, which from its camps in Arabia could again set Syria in a blaze and renew Niger's alliance with the perpetual enemy of the Empire. This legion had proclaimed Albinus,³ and in default of this general would probably have put forward one of the sons of Niger; and this was the condemnation of the rest of the party. Doubtless we must pity the victims of civil discords, especially those involved by the fatality of birth. But if we had a little less compassion for the abettors of civil wars who perish by the conqueror's hand, and a little more for those who are sacrificed in these wars in the fulfilment of their duty as soldiers, we should place beside those twenty-nine senators executed at Rome for having played at the terrible game of revolution, the thirty or

the year 195, Severus accepted the obligation to rehabilitate the memory of his adoptive brother.

¹ *Μάλιστα δ' ἡμᾶς ἐξέπληξε* (Dion, lxxv. 7).

² Dion, lxxv. 8. Spartianus (*Sev.* 13) enumerates forty-one persons who were put to death. Severus at first allowed the wife and the two (?) sons of Albinus to live, but later put them to death. According to law and custom, all the property of the condemned was confiscated. We find, however, a Ceionius Albinus prefect of Rome under Valerian; the entire family was therefore not involved in the ruin of him who was defeated at Lyons.

³ Spart., *Sev.* 12.

forty thousand corpses of Roman legionaries which covered the Lyonnese plains.¹

Proscriptions were made in the Gallic provinces and in Spain. All who had aided Albinus paid with life or fortune for the crime of not being able to foresee which side would be victorious. One of these proscribed persons begged the Emperor to spare him. "If the destiny of battle, O Caesar, had been against you," this man said, "what would you have done in the position in which I am



THE DIVINE HOUSE.²

now?" "I should have resigned myself," the Emperor rejoined, "to suffer what you are about to endure:" and he ordered the man's execution. "To destroy factions," Severus said, "a man must be cruel once, that he may afterwards be merciful for the rest of his life."³ Isolated cases of resistance⁴ there were, especially in the Iberian peninsula, whither Severus sent one of his best generals, Tib. Claudius Candidus, the conqueror of Nicaea, to fight "by sea and land the rebels of the Citerior province."⁵ Another inscription

¹ . . . ἀμφότεροι διὰ θαλάσσης πέσσαντες (Dion. lxxx. 7).

² Septimius Severus and his Family. *Cabinet de France*, cameo, No. 249, sardonyx of three layers, 61 mill. by 101. One of the most valued of the collection. The execution, without being as perfect as that of the monuments of the first Caesars, is still very remarkable. The laurel-wreath of Caracalla and Geta's bare head fix the date of this cameo between the years 198 and 209. Severus wears the paludamentum and the radiated crown: Julia Domna, the veil and diadem. Cf. Chabouillet, *op. cit.* p. 42.

³ Aur. Victor, *Caes.* 20.

⁴ *M. vi. post. Albinus, filius a c. secundo bello a Severo superati sunt* (Spart., *Sev.* 12).

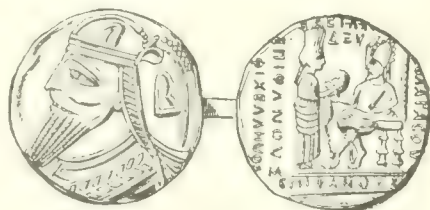
⁵ *C. I. L.* ii. 4,114.

speaks of a tribune serving in the expedition undertaken "to crush the Gallic faction."¹

Lyons had suffered from the great conflict which took place outside her walls; but she quickly effaced the traces of this, and made haste to show herself faithful to the conqueror. Two months and a half after the battle a taurobolium was offered there for "the safety of the Emperor, of his son the Caesar, first designated Emperor, of the Empress Julia Donna, the mother of the camps, and of all the divine house." During four days religion displayed its most imposing pomps for this solemnity, which sealed the reconciliation between the African dynasty and the Gallic nations.²

In Rome, while twenty-nine senatorial families wept for their dead, the populace and the soldiers kept holiday. The latter had received large gifts of money; the former, a congiarium, feasts, and gladiatorial shows,⁴ to compensate them for missing the spectacle of so many thousands of Romans butchered in the battles of the civil war.

Severus could now enjoy repose. The Roman world, twice visited and pacified; the Euphrates and Tigris crossed; the Rhine and Danube flowing peacefully beneath Roman standards: all things invited the ruler to turn his indefatigable activity towards the labors of peace. But during the Gallic war the king of the Parthians, Vologeses IV., had invaded Mesopotamia and besieged Nisibis, which a general, by name Lælius, had valiantly defended; and the revolt of the legion of Arabia proved that in the East the fires of civil war were not yet entirely extinct. Severus



COIN OF VOLOGESES IV.³

¹ *C. I. L.* iii. 1037. It is proper to say, however, that the date of this inscription cannot with certainty be fixed in the year 197.

² From the 4th to the 7th of May, 197 (*De Boissien, Inscr. de Lyon*, p. 36). Later, after the war with the Parthians, another solemn sacrifice was celebrated by the order and at the expense of the general assembly of Narbonensis, *pro salute dominorum imp.* (*Gruter*, xxix. 12.)

³ Diademed head of Vologeses IV. On the reverse, ΒΑΣΙΛΕΥΣ ΟΛΛΑΓΑΚΟΝ ΔΙΚΑΙΟΥ ΕΠΙΣΤΑΝΟΥΣ ΦΙΛΕΛΑΗΝΟΣ ΔΕΔ ΑΠΕΛΛΑΙΟΥ (of the year 464, of the month Apellæus). Tetradrachm.

⁴ *Cohen*, iii. 259; *Municipalia Aug.* Severus renewed the prohibition against women appearing in the arena as gladiators (*Dion*, lxxv. 16).

once more put on the harness, and with extreme diligence made all his preparations. Before withdrawing the principal military forces of the Empire to so great a distance,¹ he recommended to his lieutenants vigilance upon the northern frontiers, authorizing them to make prudent concessions for the sake of preventing hostilities. We know, for example, that Lupus, one of his ablest generals, by presents distributed among the chiefs, put a stop to an invasion of the mountaineers of Caledonia. Having taken these precautions, Severus embarked on board the fleet at Brundisium and sailed to

DENARIUS.³

the Syrian coast; he crossed the Euphrates in time to gain by some victory his tenth salutation as *imperator*, before the close of the year 197.² A treaty with the king of Armenia, who gave him money and hostages, permitted him to advance without anxiety as to his rear.

To the Romans of that time the enemy most dreaded was the Parthian. The heir of the Arsacidae, the successor of Cyrus and of Alexander, alone in the known world was able to throw a shadow upon the imperial majesty of Rome. The deserts which protected this people, the death of Crassus, Antony's vain efforts, and even the ephemeral successes of Trajan, made the Parthian king a troublesome and hated neighbor. To conquer him was the great ambition of the military chiefs of Rome. We have often explained why a definitive victory was impossible. Severus resolved at least to inflict a humiliation upon the great Oriental empire, and close against it the approaches to Syria, by rendering the passage of the Tigris difficult for the Parthian army. Vologeses did not await the Emperor; but his generals engaged with the Romans several times, and one of these combats seems to have resulted in a decisive victory for the latter.⁴ The road to Ctesiphon was open, and Severus advanced.

Obtaining timber from a forest near the Euphrates, he con-

¹ He took a part of the praetorians (Dion lxxv. 10), with their prefect, C. Fulvius Plantianus (Orelli, No. 934), and withdrew detachments from the armies of Europe (Dion, lxxv. 12, and *C. I. L.* iii. 1,193) and also from Africa (L. Renier, *Inscr. d'Alg.* No. 1,182).

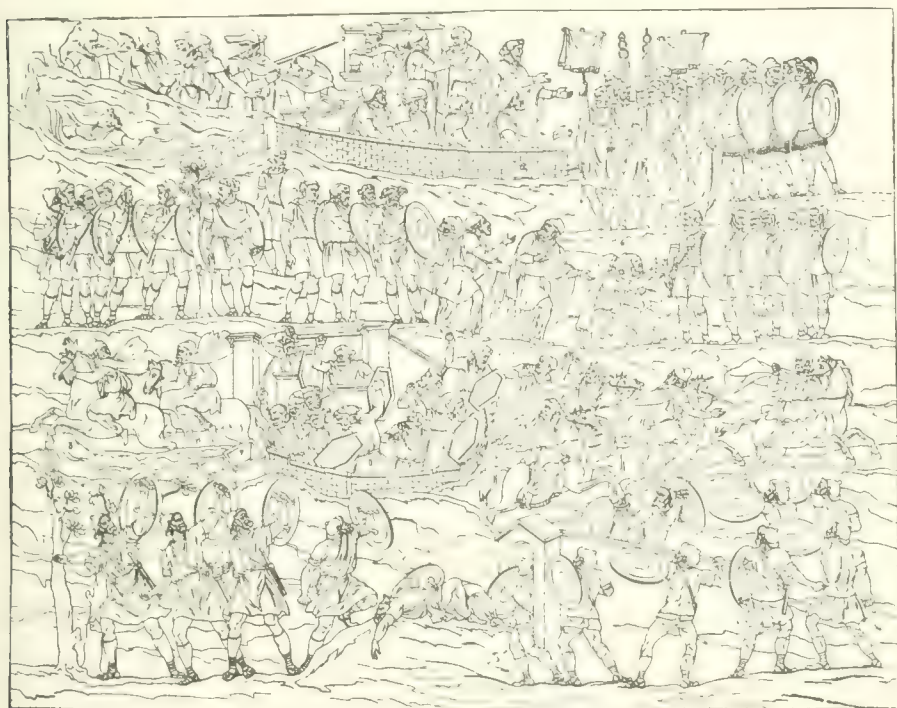
² Eckhel, vii. 176: *Profectio Aug.*; Momms., *Inscr. Neap.* No. 1,410. In respect to this war, Herodian confuses facts, names, dates, and geography.

³ Coin commemorating the tenth salutation of Severus as *imperator*.

⁴ April, 198. This date is to be inferred from an inscription published by Renier, *Inscr. d'Alg.* No. 1,727.

structed a fleet to convey his heavy baggage, while his soldiers advanced along the river bank. He arrived in this way at Babylon and Seleucia, — cities no longer great except in name, — and seized the capital of the Parthians, whence he carried off a hundred thousand captives. This was the third time within the century that the Romans had entered Ctesiphon.

The return through the valley of the Tigris was difficult, on account of the scarcity of provisions and forage. Like Trajan,



THE PARTHIAN KING ESCAPING FROM CTESIPHON.¹

Severus besieged the stronghold of Atra² (El-Hadhr), whose king had made an alliance with Niger; and he failed, as did his illustrious predecessor, notwithstanding the machines of the engineer Priscus. In the midst of this desert it was impossible for the besieging army to resort to a blockade, — the great method of the

¹ Bas-relief from the Arch of Septimius Severus.

² A few days' march westward of the Tigris. Its ruins still exist, — not, however, as Herodian says, on the top of a high hill. There are only low hillocks in the region, and some calcareous rocks. Cf. Layard's *Niniveh*; this author visited El-Hadhr. Dion speaks of two sieges of Atra, or rather of two attacks made upon the town, — one, perhaps, by a lieutenant of Severus; the other, by the Emperor himself.

ancients for the reduction of a city. After twenty days of sharp attacks, the Emperor raised the siege and withdrew through Upper Mesopotamia into the Syrian provinces, about the close of the year 198 or the beginning of the following year.

During this siege, in which the army endured great hardships, there was a moment of insubordination, and it became necessary to make an example. A praetorian tribune had repeated publicly, and doubtless commented upon, the lines which Vergil puts into the mouth of Drances, the partisan of peace at any price: "They take no account of us, and we perish for the ambition of one man." Severus caused him to be put to death; and possibly the punishment was merited. Soldiers who despair, when it is



SEVERUS HOLDING A
VICTORY IN HIS HAND,
AND CROWNED BY
ROME.³

their duty to hope even against all hope, ruin the cause which they are set to defend, by sowing discouragement in the hearts of the army. And so before Atra, the Emperor, fearing that his troops would no longer obey him,¹ abandoned a last attempt which seemed still to promise

success.

Was it at this time that Laetus perished?²

At the battle of Lyons, Laetus, at the head of the cavalry, had not charged until after the report had come to him that the Emperor was mortally wounded, and this charge had decided the victory. Severus being dead and Albinus overthrown, Laetus would have taken their place.⁴ But the Emperor was not dead; that which was perhaps treason became the skilful manceuvre of a great captain. Severus believed this, or allowed it to be said. Dion asserts that, being unable to strike at once the man who appeared to have saved him, he delayed his revenge, and in Mesopotamia caused Laetus to be slain in a camp tumult.⁵ It is probable that there was neither treachery on the one side nor

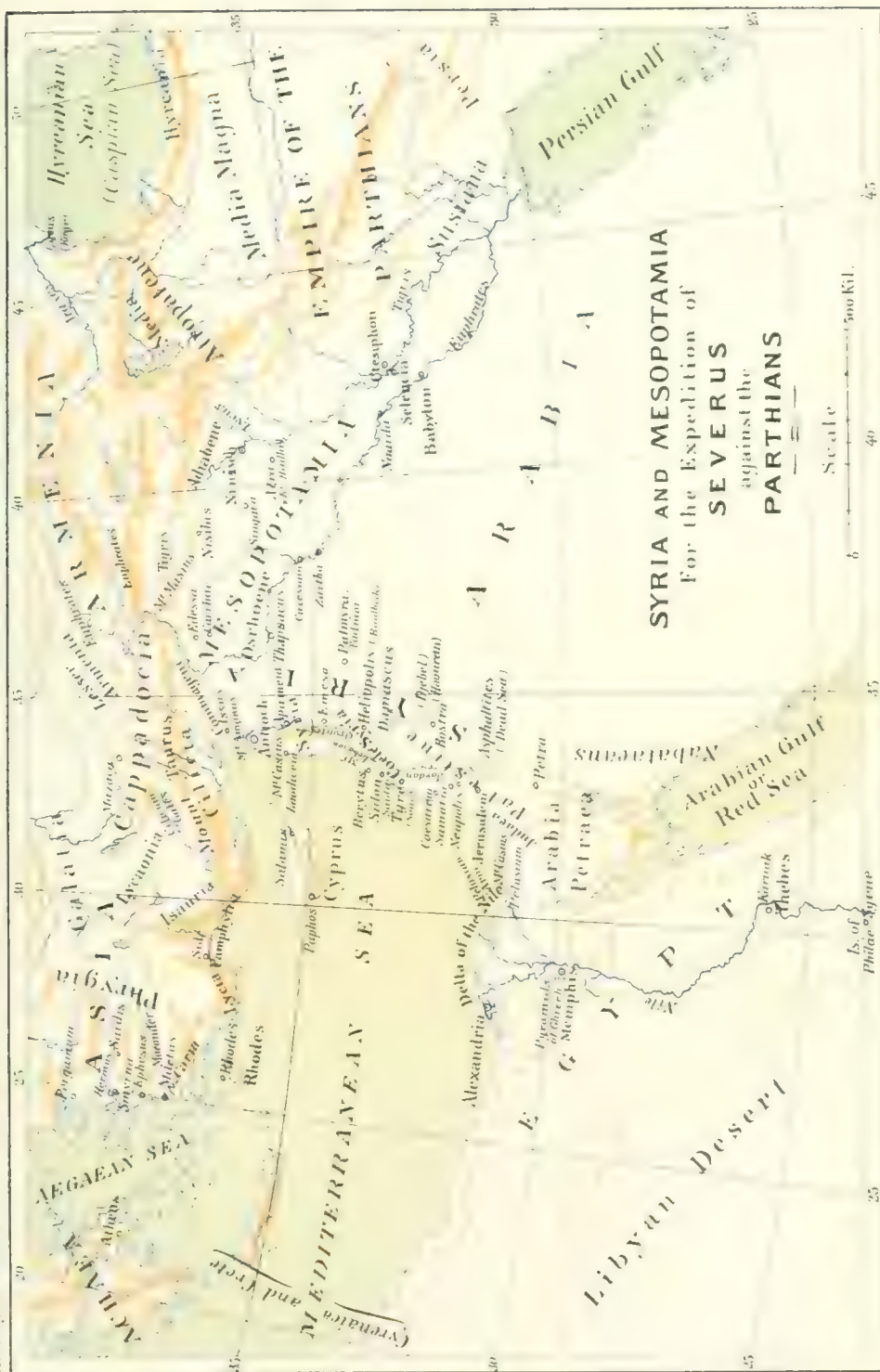
¹ . . . τὴν ἀπειθείαν τῶν στρατιωτῶν (Dion, lxxv. 12).

² This Laetus is to be distinguished from the defender of Nisibis, who was in that city at the time that the other Laetus was in Gaul.

³ Reverse of a great bronze.

⁴ Dion, lxxv. 6. Spartianus says (*Sec.* 11) that the army, believing the Emperor dead, were ready at once to make a new emperor.

⁵ Dion, lxxv. 10. This author contradicts himself, in the same sentence representing Laetus as beloved by the army, and also telling us that Severus charged them with the murder, saying that they had committed it *παρὰ γνώμην αὐτοῦ*.



the instigation of a military riot on the other. Dion was very remote from the spot where this tragedy took place, and could only give currency to rumors which were in circulation in Rome. Now two things in this narrative are diametrically opposite to the known character of this Emperor,—the long hesitation before striking the man whose death he had resolved on, and the dangerous method said to have been employed, namely, the instigation of a camp tumult, which no man can be sure of arresting at the



SEPTIMIUS SEVERUS AND HIS TWO SONS.

desired point. Certain it is that Lactus was killed by the soldiers, and we know that outbreaks were then frequent in the army; this general doubtless lost his life in endeavoring to allay one.

At Ctesiphon the Emperor had abandoned all the spoils to the soldiery. To thank their chief by gratifying his paternal affection, the army saluted Bassianus with the title of Augustus, and proclaimed Geta Caesar. To the former Severus gave the tribunician power (198). Thus we see Caracalla, though only eleven years of age, associated in the Empire,—an honor premature, and fatal

¹ *Cabinet de France*, Cabinet, No. 260, surface of three layers, 25 millim. by 30. The Victories, each standing on a globe, are crowning Caracalla and Geta. The Emperor is holding the hand of his second son over a lighted altar. Below is a half-line of inscription: (ΛΕΓΙΩΝΙ) ΝΕΙΚΗΝ ΤΩΝ ΚΥΡΙΩΝ. . . . For the victory of our lords. M. Chabouillet remarks (*op. cit.*, p. 437) that the title of *Augustus*, or *señor*, does not appear on Roman coins until after the time of Diocletian; Caracalla, Gordian, and Trajan had already assumed it, or allowed it to be ascribed to them, and it is frequent in inscriptions, especially dating from Severus and his sons.

to him who received it. In this elective Empire the tendency towards heredity was irresistible. The father always yielded to this natural sentiment, and his will was always accepted. At the same time, with the single exception of Titus, hereditary succession had given Rome only bad rulers, — Caligula, Domitian, and Commodus. "The designated Emperor" was soon to add to this list one of the most odious names in history.¹

Notwithstanding his unsuccessful attempt upon Atræa, Severus had struck a heavy blow in the East. The fall of Ctesiphon had resounded even to the most distant provinces, and everywhere was extolled the great conqueror of the Parthians (*Parthicus Maximus*). The Empire had not been materially aggrandized, which



PACATOR
ORBIS.²

would have been a useless gain; but a salutary terror was inspired among those who had been accustomed to break over its frontiers, which kept them quiet for the next eighteen years. Severus therefore merits the title that he received of *propagator imperii*. Many others



FUNDATOR
PACIS.³

were given him,⁴ such as *pacator orbis*, *fundator pacis*, etc.; for the power attested by such constant good fortune had excited an enthusiasm at once servile and grateful. To this, countless inscriptions, especially in the African and Hellenic provinces, bear witness. Athens, which had to obtain pardon for not having been able to foresee the success of the future Emperor, signalized herself by the fervor of her zeal, and numberless cities offered the triumphal sacrifice of the bull.⁵

Through his wife, Julia Domna, Severus was half Syrian. Before his accession to the Empire he had commanded the Fourth

¹ Spartianus in his memoir of Severus (20) calls the attention of Diocletian to the fact that it was very rarely that a great man left a son *optimum et utilem* . . . *aut sine liberis viri interierat, aut tales habuerunt plerique, ut melius fuerit de rebus humanis sine posteritate discedere*. Diocletian, however, had no sons, and this was a consolation that the imperial historiographer took occasion to offer him.

² Reverse of a gold coin of Severus. The legend surrounds the radiate head of the Sun.

³ Severus veiled, holding an olive-branch. Reverse of a gold coin.

⁴ *C. I. L.* ii. 1,669, 1,670, 1,969, etc. Cf. Cohen, iii. Nos. 118–22, 360–65, 610–12.

⁵ Herzberg (*Die Gesch. Griechenl. unter der Herrsch. der Röm.*), who collects the minutest details, has not been able (vol. ii. pp. 421 *et seq.*) to derive anything of importance from these inscriptions. See also Renier, *Inscr. d'Alg.* Nos. 2,159, 2,322, 2,374, 2,466, etc.

Scythian Legion in Syria (182-184); after the death of Niger he remained there more than two years, and again four years more after the death of Albinus. He therefore well understood these countries and their needs. But to what purpose were these long residences, especially after the Parthian war was at an end? It certainly could not have been pleasure which detained him in the Oriental provinces. Gratifications of the senses had no hold upon a



A VICTORY SACRIFICING THE BULL OF THE ROMAN TRIUMPHS.¹

man like this, who had an ambition for great things, and consequently a contempt for petty ones. His biographer says, speaking of one of these provinces, that Severus made many regulations there; but the foolish writer does not give us one of them. We may be sure that he employed his leisure in strengthening discipline among the legions, in fortifying the outposts, in establishing order in the land, security upon the highways, and that he introduced Roman civilization into these provinces that he might the better count upon

¹ Bas-relief in the Louvre.

their fidelity. A few facts revealed by those unexceptionable witnesses, coins and medals, permit us to conjecture all the rest which official history hides from us.

First, between the Euphrates and the Tigris, he organized Mesopotamia as a province. He gave it for a permanent garrison two legions which he had created during the war, the First and Third Parthian,¹ and he increased the power of these military forces by multiplying in the new province the civil Roman element.

Colonists were established at Nisibis, the central stronghold of the country, which received the Emperor's name, Septimia; at Rhessaena, where the Third Parthian had its headquarters, between Nisibis and Thapsacus, the great passage of the Euphrates; at Zaitha, the city of olive-trees,² situated on the same river, below Circesium, and at the entrance of the high road to Palmyra. The Syrian desert had become Quiritarian land.

On the northwest of the province the king of Osrhoene had given up to the Emperor his children as hostages, and had furnished well-trained archers for the campaign against the Parthians;⁴ on the north the king of Armenia had been supported in his fidelity to the Empire; on the south the garrison of Zaitha kept the Arab chiefs in obedience; and on the east the passage of the Tigris was secured by the occupation of Nineveh, where Trajan



COIN OF
RHESAENA.³

¹ The *II. Parthica* was brought back into Italy by Severus; it had its headquarters at Albano, where have been found its cemetery and countless inscriptions due to it (Henzen, *Annali*, 1867, pp. 37 *et seq.*). It is useless to try to distinguish the measures adopted by Severus in his first and in his second residence in Mesopotamia.

² *Septimia col. Nisibis* (Dion, lxxv. 3; Eckhel, vii. 517). Eckhel, vii. 518; Amm. Marcell. xxiii. 5.

³ Bronze of the Emperor Decius, making mention of the *III. Parthica*: ΠΕΠ(τ)μία ΠΙΘΙΝΗΘΙΟΝ Ε ΗΙ Ρ, around a temple, beneath which a river or water god is swimming. — a personification of the Chaboras, the city being situated near the headwaters of this affluent of the Euphrates.

⁴ Later this king came to Rome, between the years 203 and 208, to renew his promises of fidelity. Severus received him there with great display (Dion, lxxix. 16). In respect to the Armenians, St. Martin (in his *Mémoires sur l'Arménie*, i. 391) speaks of an invasion of Klazars who, having traversed the gorges of Derhend in the Caucasus, and crossed the Koor, are said to have defeated the Armenians and slain their king Vologeses, or Wagharsh, in the year 198 A. D. These events explain easily enough why Severus had no need of protecting himself against the Armenians at the time of his descent upon Ctesiphon. Between the Parthians who threatened them from the southeast, and the Barbarians who menaced them on the north, the Roman alliance was a necessity for this people.

had established veterans and where Severus must have left some to defend this outpost of the Empire.¹ He had therefore firmly established his dominion between the two rivers, with the Armenian mountains behind it and a whole system of fortresses and colonies for its protection: accordingly, for centuries to come this province remained the bulwark of the Empire.

After the death of Niger, Severus had united Lycaonia and Isauria to Cilicia, in order to constitute in the neighborhood of Syria a great province, which should guard that gate to the East.² For contrary reasons he divided the province of Syria, which had hitherto given hopes of too ambitious range to those placed in command over it: on the north, Commagene and Hollow Syria, — that is to say, the valley through which the Orontes flows to Antioch and the sea, making itself a passage between the Amanus and Mount Lebanon: and on the south and east, Phœnician Syria, including all the coast and, on the eastern slope of Lebanon and out into the very midst of the desert, Heliopolis, Emesa, Damascus, and Palmyra. The two roads which led into Mesopotamia, crossing the Euphrates, the one at Thapsacus, the other at Circesium, were thus guarded by two armies.³ And they were well guarded. The Emperor intrusted the government of Coele-Syria to one of his ablest lieutenants, Marius Maximus, whom Spartianus calls “a very severe general;” and there is reason to suppose that Phœnician Syria was given in charge to some other experienced captain. After the battle of Issus, Severus had chastised Antioch with great harshness, for the reason that severity was natural to him. This city, however, remained the most important city in the Roman East, and he was too great a ruler to consult his personal rancor rather than the interest of the state, after he had satisfied justice, or what he regarded as justice. Antioch, like Byzantium, therefore, was first punished, and then favored. On his return from Mesopotamia, he stopped in the old Syrian metropolis, not for the purpose of enjoying the delights of Daphne in the pleasure-haunted shades of the sanctuary of Apollo, but to efface the memory of his

¹ Upon the coins of Trajan's reign Nineveh is called *Colonia Augusta*. Dion, a contemporary of Severus, says of Nineveh: *ἡμετέρα ἐστὶ καὶ ἀπὸ τοῦ ἡμῶν νομιζέται* (xxxvi. 6).

² Lebas and Waddington, *Recueil archéol.* No. 1,480. The inscription in No. 616 shows these two provinces united to Galatia.

³ Under Alexander Severus there were five legions in Syria and in Palestine.

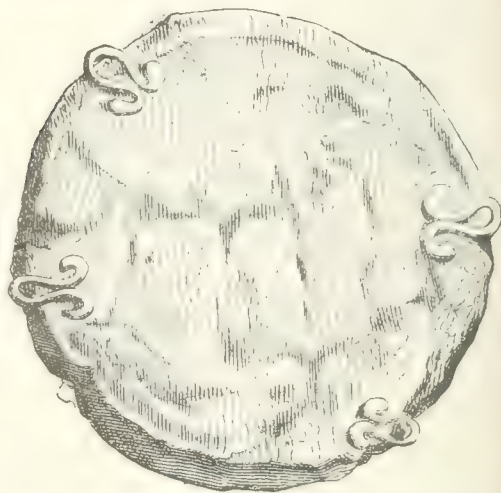
former severities. There he gave his eldest son the *toga virilis* (201), and appointed him consul designate for the following year. This was treating Antioch as a capital. These solemnities and their accompanying festivities at once had their effect in bringing the



1.



2.



3.

PLAQUES OF GOLD OF THE SECOND OR THIRD CENTURY, FOUND IN SYRIA.¹

frivolous city into friendly relations with the new dynasty, and Severus completed the reconciliation in causing magnificent baths to be built at Antioch.²

¹ No. 1, Dionysus; No. 2, Silenus; No. 3, a box in which the plaques were kept. *Cabinet de France*. Cf. *Gazette archéol.*, 1875, pl. 2, and p. 513, a dissertation by Baron de Witte.

² *Chronicles of Eusebius and Saint Jerome*, *ad ann.* 202, and Malalas, p. 294, in the *Byzantine Chronicle*.

In Phœnician Syria great public works were undertaken. Four military milestones, which have been found on the road from Sour to Sayda, all bearing similar inscriptions, dated in the year 198, show the Emperor's lieutenant putting in repair the roads in this province; the name of Severus engraved upon another milestone



ROMAN BRIDGE IN SYRIA.¹

in the neighborhood of Laodicea proves that the same orders had been given in respect to Syria Prima.²

The Syrian region, sloping down to the Mediterranean Sea, had long been in possession of all the advantages that ancient civilization could bestow. Alexander and his successors had Hellenized these populations of Punic or Aramaean origin, and the colonies that Rome had established there, the garrisons that she there maintained, had introduced her language, which the soldiers were obliged

¹ At Abu-el-as-Ward: Syrian coast. From the *Vue de l'Empire du Duc de Luynes*, pl. 7.

² *C. I. L.* vol. iii. No. 203; Waddington, *Inscr. de Syrie*, 1838.

to employ.¹ Tyre, which had been burned by Niger's Moors,² was re-peopled by the veterans of the Third Gallic Legion and obtained the *jus Italicum*. Berytus, where dwelt the descendants of the

legionaries of Augustus, had long enjoyed this right, and the city contained the most important school of Roman law; Papinian, Ulpian, and all those juriconsults whose "judaisms" have been noted in the *Pandects*, were students here. Berytus had at first declared against Severus. We do not know whether the city was punished for this, or whether Papinian appeased the Emperor's anger. At any rate, she quickly changed her sentiments; an inscription of the year 196 found in the neighborhood contains the expression of the city's desire for the safety of Severus and Julia Domna, "the mother of the camps."³



JULIA DOMNA, THE WIFE OF SEVERUS.⁴

On the eastern slope of Mount Lebanon and beyond the Jordan, Rome had had much to do. Before Trajan's time Batanaea (Hauran) and Trachonitis (Ledja) were, as they are to-day, wil-

dernesses traversed by savage nomads. Agrippa the Jewish king said to them: "You live like wild beasts in their lairs."⁵ Trajan

¹ Upon the statue of Memnon all *proskynemata* of soldiers or officials are in Latin; see Letronne, *Inscr. d'Égypte*, ii. 324.

² Herod., iii. 3.

³ Waddington, *Inscr. de Syrie*, 1,843. Under Caracalla, the Third Gallic Legion cut through rocks (the inscription says mountains) which obstructed the course of the Lycus (*Ibid.* 1,845).

⁴ Statue of Luni marble. Museum of the Capitol. This statue has been preserved with the antique head.

⁵ ἐμφωδείσαντες (Waddington, *op. cit.* 2,329). Cf. Josephus, *Ant. Jud.* xiv. 15, 5, and Vol. IV. p. 6 of this work.

and Hadrian had introduced order and life into these regions, where great and splendid cities had arisen; and Severus carried on their work. Doubtless he also visited the province of Arabia, where a Roman legion had not long before revolted. The name of *Septimiani*, borne by the decurions of Batanæa, connects with his reign, by a tie which unfortunately we cannot trace, the municipal organization of this region. Ruins of cities are found here whose inhabitants had the language, the measures, the calendar, and many usages belonging to Rome.¹ An imperial legate wrote to these Arabs, into whose country the modern traveller now penetrates only at the risk of his life, as he would have written to the magistrates of Spain or of Gaul, to guarantee them against the abuse of military billet, — a proof that on this remote frontier the Roman administration showed the same care as in the oldest provinces.² At Bostra, the capital of the province of Arabia, legends on medals in Trajan's time were Greek; a few years after Severus they were Latin.³

It is uncertain whether the forty-two blockhouses, whose remains are counted between Damascus and Palmyra, were constructed by Severus or by Hadrian, or even at an earlier date.⁴ We only know that Severus kept them well supplied with men and provisions; for if we do not find distinct traces of him on the

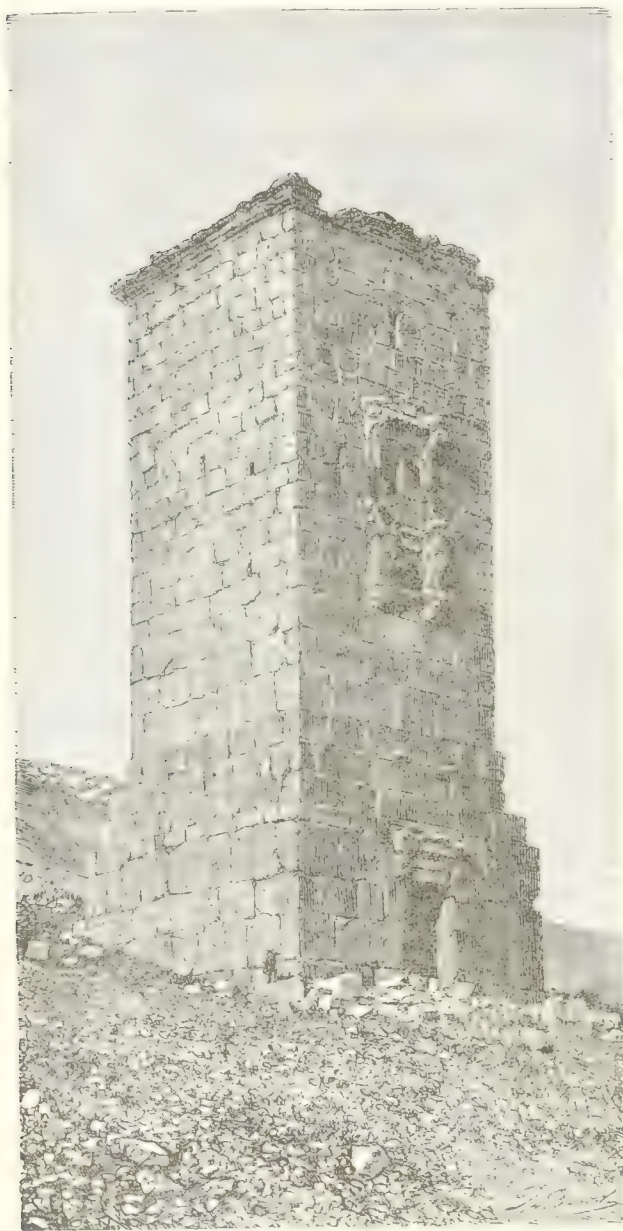
¹ Cf. Henzen, *Bull. de l'Inst. archéol.* 1867, pp. 204 *et seq.* Waddington, *Inscr. de Syrie*, 2,136 *et seq.*

² "If any soldier or traveller forcibly seeks lodging among you, write me to obtain reparation. You owe nothing to strangers, and since you have a caravanserai (*ḡerwāra*) to receive them, you cannot be compelled to take them into your own houses. Post this letter in some public place in your city where it may easily be read by all men, so that none can plead ignorance as an excuse" (Waddington, *Inscr. de Syrie*, 2,424). The author of this letter is a legate of Alexander Severus.

³ Waddington, *ibid.* 460.

⁴ See Vol. V. p. 369. According to Peutinger's map it was two hundred and twelve miles from Damascus to Palmyra. Porter (*Handbook for Syria*) reckons it only forty hours' walk from one city to the other. MM. de Vogué and Waddington have also found relay-stations of Roman soldiers along a road leading from Bostra to Palmyra across a desolate region. Unfortunately the *graffiti* that they have read there give no dates (*Inscr. de S. a.*, p. 522). In the African Sahara the same precautions were taken: cf. p. 154 of this volume, and *Arch. des Missions*, 1877, pp. 362 *et seq.* When we find the desert everywhere bordered with Roman forts it is easy to understand that the provinces behind them must have enjoyed a prosperity which they lost when the misfortunes of the Empire caused that vigilant police to disappear. An inscription found at Palmyra in 1882 proves that as early as the time of Augustus that city was in some degree dependent upon the Romans (*Bull. de Corr. hellén.*, 1882, p. 439).

road leading to Palmyra, we do find them at Palmyra itself. This



PALMYRA. ROYAL TOMB.

great mart of the desert, this Syrian outpost on the middle Euphrates, had furnished Severus with most useful succor in his expedition against Babylon. Like all commercial cities, Palmyra was cosmopolitan. Parthians and Armenians and Romans were there, also Greeks, and a Jewish colony of importance, some of whose members rivalled the most considerable native Palmyrenes in wealth.¹ Accordingly, like Alexandria, the city had a *juridicus* to settle disputes which might arise between foreigners.² The family of the Odainath already held the first rank in Palmyra. One of them, Hairan, doubtless strategus of the city in the time of the Parthian war,

so ably seconded Severus by his knowledge of localities and by the supplies that he was able to furnish to the legions, that the

¹ De Vogüé, *Inscr. semit.*, 7, 16, 65, et *passim*.

² Δικαιοδότης. Cf. Waddington, *Inscr. de Syrie*, 2,606a.

Emperor permitted him to assume the name of Septimius, which from that time became the *gentilium* of this great Palmyrene family. In the same way Herod the Great had been authorized by Augustus to unite himself to the family of the Caesars by adding to his own names that of Julius. When sixty years later an Odainath, who had assumed the title of "king of kings," made himself the protector of the Roman Empire in the East, his praenomen Septimius recalled the time when his family were but the clients of the Emperor Severus.

The desert cities changed their conditions as the Arab sheiks changed their names: the Tadmor of Solomon's time was now a Roman colony, invested with the privileges of the *jus Italicum*; it had duumvirs (στρατηγοί), aediles (ἀγορανόμοι),¹ and assemblies of senate and people. By its monuments it seems of Greek origin, by its institutions of Roman. It even had its distributions: frumentary tesserae have been found there, and tickets for corn and oil,² and among its citizens were Roman knights and senators. Severus had already, it is probable, assigned to it for a garrison that body of cavalry which we find there at a later period.³

Then, as now, the wandering Arabs were obliged during the summer to lead their flocks to the springs of Palmyra or to the pastures of Djebel-Hauran.⁴ By strongly occupying these points, the Romans made themselves masters of the desert, and preserved order in it better than has ever been done since.

At the eastern extremity of the Hauran, in the centre of a very desolate region, rises a volcanic hill, at whose base is a Roman camp, with walls over six feet in thickness, flanked with towers and protected by a moat. A resolute band within this fort could bid defiance to all the Arabs of the desert. On the summit of the hill an outpost kept watch over this vast plain, where are seen ruins of baths and of houses. "Before us," says

¹ In other Greek and Syrian cities the aediles bore the name of bishops, ἐπίσκοποι, or supervisors.

² De Vogüé, *Inscr. sémit.* 16, 146-7, and Waddington, *Inscr. de Syrie*, 2,606a, 2,607, and 2,629.

³ Waddington, *ibid.* 2,580.

⁴ The chiefs of these nomads were called ethnarchs, strategî, or οἱ ἀπὸ ἔθνους νομάδων. Cf. Waddington, *op. cit.* p. 511. Certain of these tribes retain the same names they bore eighteen centuries ago (*Ibid.*, p. 525, No. 2,287).

M. de Vogüé, "no European ever disturbed this solitude."¹ But the Romans had been there, and they had brought civilization and security.

Thus a regular form of life began to be introduced into these desolate solitudes. Sheltered by the fortified posts which bordered "the land of thirst," cities sprang up in the valleys, and canals brought down to them the mountain streams:² the municipal system was developed there, and inscriptions speak to us of strategi and decurions in places where was lately heard only the jackal's cry. Often from the summit of a mass of ruins the traveller sees



COIN OF SEPTIMIUS
SEVERUS STRUCK AT
PETRA.⁴

in the distance great blocks of basalt set regularly, and bordered with a double row of larger blocks which rise above the surface. It is a Roman road, which makes known that fifteen centuries ago a great nation passed that way.³

At countless points upon this Biblical soil we find the Roman stamp. In extreme antiquity the plateau of Baalbec bore a sanctuary of Baal, the great god of the Semitic tribes; but the magnificent ruins now to be seen on that spot date from the times of the Antonines and Severus.⁵ We must therefore recast the words of Juvenal: it is no longer that the Orontes flows into the Tiber; in the second and at the beginning of the third century of the Christian era, the Tiber flows through the desert, bearing the spirit of the Empire and its arts even to the remote city of Petra.

Severus had lately followed the track of Trajan as far as Ctesiphon; in Palestine and Egypt he now followed that of Hadrian.

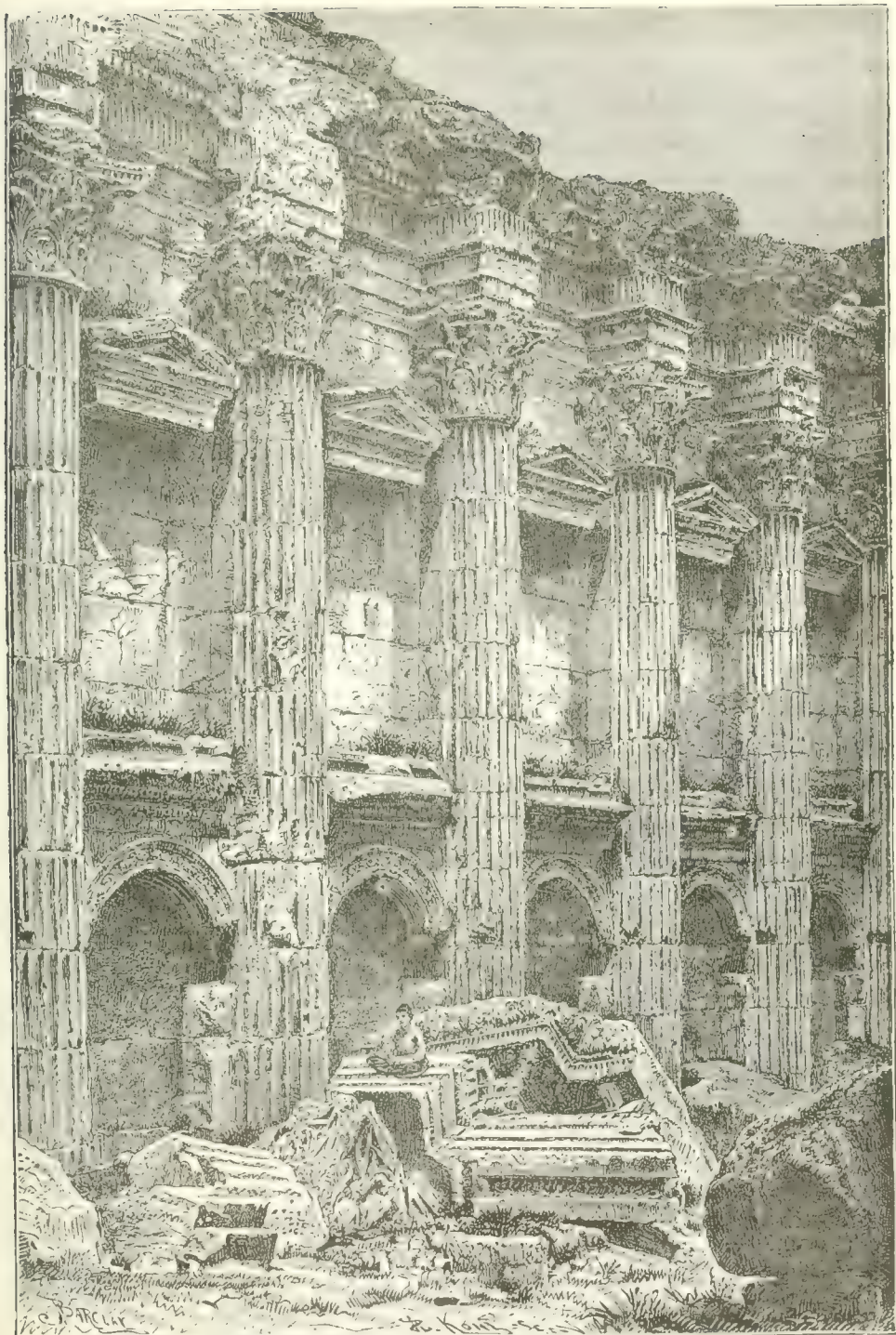
¹ *La Syrie centrale*, by M. de Vogüé.

² Waddington, *Inscrip. de Syrie*, 2, 296 and 2, 391, ἐκ πηγαίας of Corn. Palma. The first care of Cornelius Palma, the conqueror of Arabia, had been to furnish a supply of water to the new subjects of the Empire. In pursuing this excellent policy in Algeria, the French have but followed a Roman example.

³ "The Roman road from Bostra to Damascus still exists, almost in its original condition," says M. Waddington, "and the remains of many others are found here and there in these regions." The Septimian coins are very abundant in all these provinces, and to this epoch belong the ruins of Heliopolis, the temple of Jupiter having been built by Septimius Severus and the temple of the Sun by Hadrian and Antoninus. The latter building was destroyed by Theodosius (*Revue archéol.*, April, 1877).

⁴ ΑΔΡΙΑΝΗ ΠΕΤΡΑ. The personified city seated upon a rock. Reverse of a bronze coin.

⁵ See Vol. V. of this work, pp. 372, 373, 449, and *Scene of the Present Day*, by Dr. Lortet.



INTERIOR OF THE SMALL TEMPLE AT BAALBEK.

Palestine, as usual, was a prey to disorders. Dion speaks of a certain robber-chief who devastated Judaea and was able to baffle all his pursuers. One day he had the audacity to enter the Emperor's camp with a band of horsemen, and to converse with Severus as though he had been a tribune of the Roman army. No



RUINS OF HELIOPOLIS (BAALBEC). TEMPLE OF JUPITER.

one suspected the bravado, and the bandit, probably only a chief who preferred to maintain his independence, returned in safety to his mountains. This fact, the story of Bullas, one of the curious legends of Italian outlawry,¹ the history of Maternus, who, under Commodus, pillaged the entire country of Gaul, and of Numerianus, the false senator, of whose exploits we have recently made men-

¹ See above, p. 180.

tion, show what rapid progress disorganization was making in this great body, the Empire, as soon as the Comodi and the Juliani succeeded the Trajans and Hadrians. To maintain order in so many countries and amid populations so diverse, it was plainly needful that all disturbers of the public peace, whether senatorial mischief-makers, ambitious chiefs, or highway robbers should feel the hand of an energetic ruler, a man whose conscience would not be disturbed by any severity, however extreme. One of the Odainath of whom we have just now spoken, was planning a revolt and had intrigued with the Persians. Rufinus, the Roman general in command, put him to death; and being summoned before the Emperor on complaint of the son of the murdered man, made reply: "Would to the gods that the Emperor would authorize me to rid him of the son also!"¹ This justice was too summary; but it had the effect of preventing a Persian invasion. Is it safe to say that the French in Algeria or the English in India have never acted in a similar manner? The Roman Emperors not infrequently found themselves confronting these formidable perils when the safety of the state, as they then understood it, appeared to be the supreme law.

Severus was one of those men who are ready to sacrifice everything to the public tranquillity.² Unfortunately, he included the Christians among the disturbers of the provinces. The Jews and Samaritans, sword in hand, had just taken up again in Palestine their ancient quarrel. Whether the Christians were involved in it, is not now clear. But this resort to arms on account of religious opinions displeased the Emperor. The legions struck a few blows, and tranquillity was restored by some executions. Later, the Senate saw fit to give these measures, taken in the interest of public order, the importance of a victory. When the Emperor declined to make a triumphal entry into Rome in honor of the taking of Ctesiphon, the senators, not to deprive his son of a compliment and Rome of a holiday, decreed to Caracalla a Jewish triumph. In order to prevent the recurrence of these disturbances, "Severus" says his biographer, "made many regulations during his stay in Palestine." Of these we know but one, copied from the old imperial decree which forbade the rabbis to practise

¹ De Vogüé, *La Syrie centrale*, p. 30. This took place in the reign of Severus, between 241 and 251.

² *Fuit delendarum factionum cupidus* (Aur. Victor, *De Caes.* 20).

circumcision upon men of other races than their own,¹ and forbade the Christians to make proselytes. The same measure was applied to both religions, not with the design of destroying them, but in order to prevent them from gaining ground. Elsewhere we shall see that the results of this edict differed extremely in the two cases.

It was not, however, the intention of Severus that these Jews, shut up by his rescript within their religion and their race, should be as pariahs amid their fellow-citizens; he permitted them to aspire to municipal honors, releasing them from obligations which were inconsistent with their religion.² But customs are stronger than the law; the Jews remained isolated until the time when Constantine, anxious to recruit the exhausted senatorial class, ordered that all who had the requisite landed property should be included in it.³ This, however, brought in but few recruits; for the Jews, considering themselves as strangers and sojourners anywhere except in Palestine, bought neither land nor houses: they already desired only property that they could carry with them wherever they went.

From Palestine, Severus went into Egypt, — a fruitful land, where the race was as prolific as vegetation,⁴ numbering at this time over eight million, with few slaves; for agricultural labor was carried on then, as now, by fellaheen of free condition, and the industrial labor by a multitude of Greeks and Jews. Life was easy in Egypt, except in the quarries, which were worked only by convicts; and to this industry the Emperor caused great activity to be imparted.⁵ At Mount Casius, Severus, like Hadrian, offered a funeral sacrifice at Pompey's tomb, and thence went up the Nile by the Pelusiac branch.⁶ He visited with interest the Pyramids of Ghizeh, — finer, or at least more regular at that time than now, because they

¹ An edict of persecution against the Jews was never issued: *Judeorum sectam nulla lege prohibitum satis constat* (Constitution of Theodosius, anno 393. *Cod. Theod.* xvi. 8 and 9).

² *Honores adipisci permisit, sed et necessitates eis imposuit quae superstitionem eorum non uiderent* (*Digest*, l. 2, 3, sec. 3).

³ *Cod. Theod.* xvi. 8, 3.

⁴ Josephus (*Bell. Jud.* ii. 16, 4) reckons the population at 8,700,000, — a number which, a hundred years later, was even larger. Cf. Letronne, *Journ. des Savants*, 1844, p. 434.

⁵ An inscription of Septimius Severus in Egypt commemorated the discovery near Philae of granite quarries, whence were obtained "large and numerous columns." Cf. Letronne, *Journ. des Savants*, 1836, p. 684; *C. I. L.* iii. 75. The quarries of Djebel Faterch continued to be worked up to the time of Diocletian.

⁶ Letronne, *Inscr. d'Égypte*, ii. 487–518.

had still their facing of stone; the great Sphinx at their feet,—a solar symbol already worn away by the many centuries which had then passed over it, which was repaired by Severus; the Serapeum of Memphis, leading to the tombs of Apis, which a Frenchman, Mariette, has re-discovered; the Labyrinth; and the marvels of Thebes and of Philae. He had explained to him the hieroglyphics



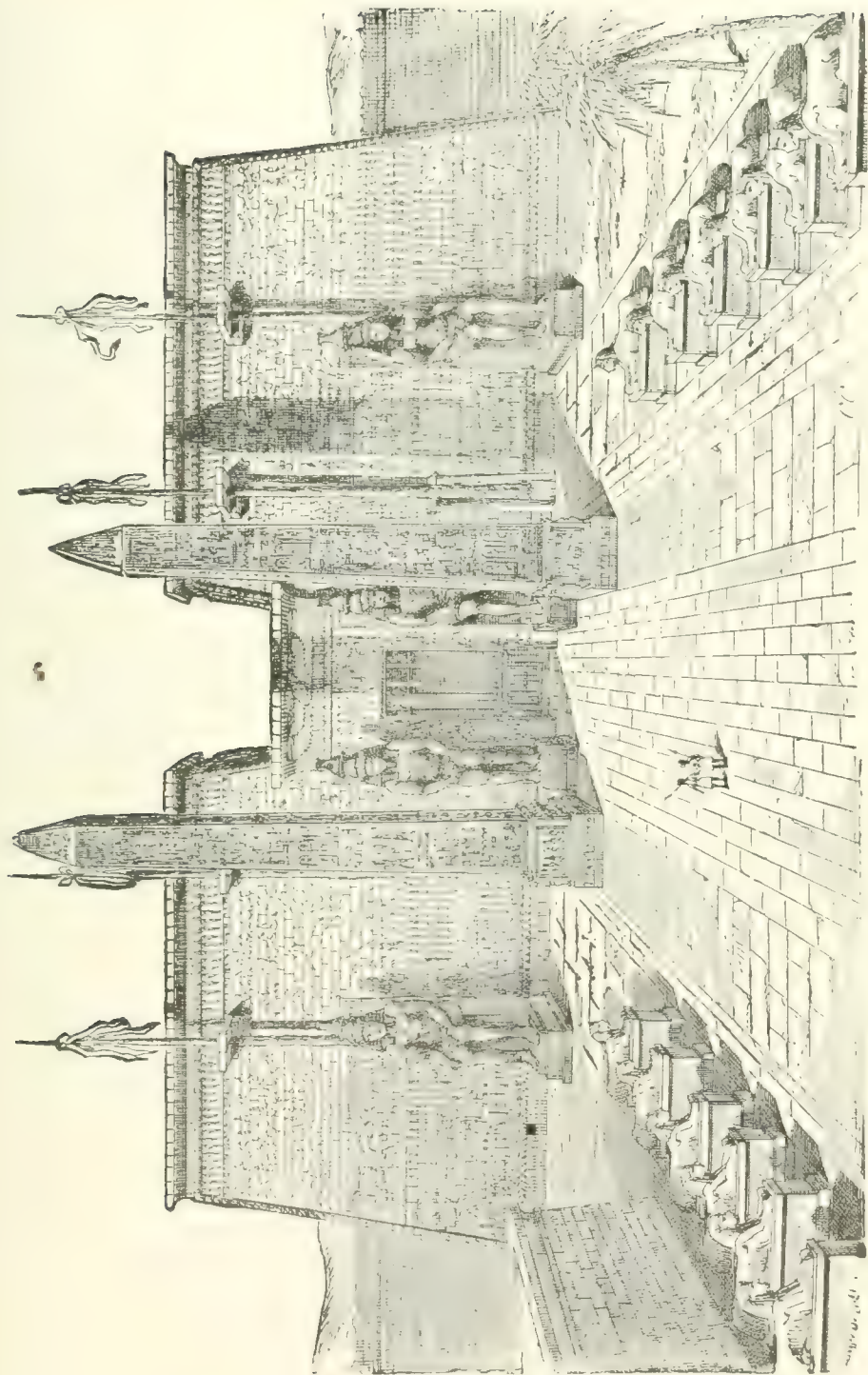
THE EGYPTIAN SPHINX.

which it was still the custom to put on the walls of the temples,¹ and Champollion finds his name at the side of sculptures which the Emperor ordered for the pronaos of the great Temple of Esne.² Memnon still spoke, but it was for the last time. In an excess of pious zeal, Severus restored to its present condition this colossus, broken in the time of Augustus; but from the day when the statue no longer offered to the rising sun its wide cleft of unequal surface, impregnated with the dews of night, the god ceased to utter “his divine voice.”³

¹ The last known hieroglyphic inscription is an offering of the Emperor Decius, about the year 250; but Letronne is of opinion that the use of this writing continued as late as the sixth century (*Journ. des Savants*, 1843, p. 464). Inscriptions are extant in which the Greeks call themselves engravers of hieroglyphics (Letronne, *Inscr. d'Égypte*, ii. 475).

² *Lettres écrites d'Égypte*, p. 86.

³ See Vol. V. p. 381. and the famous paper by Letronne upon the statue of the Pharaoh



PRINCIPAL FAÇADE OF THE TEMPLE AT LUXOR (THEBES). SEE P. 530, NOTE.

"Curious in respect to all things human and divine, even the most secret," Severus informed himself as to the sources of the Nile, to which the Romans approached very near.¹ Dion Cassius speaks of them in mentioning the Emperor's journey, the story of which he probably heard; and if he is deceived in placing the



THE TEMPLE OF ISIS AT PHILOE.

sources of the river at the extremity of the Mauretanian Atlas, he says nearly the truth when he speaks of it as emerging from vast marshes which lie at the base of a high mountain covered with snow.² Severus had the intention of penetrating into the

Amenophis, who lived about the year 1680 B.C. No one of the inscriptions engraved upon this colossus is later than the time of Severus.

¹ Mariette's last discoveries at Karnak prove that the Pharaohs had bequeathed to their successors a much more complete knowledge of the valley of the Upper Nile than was believed. The armies of Thothmes III. certainly penetrated as far as Cape Ras-Hafun, south of Cape Guardafui, probably even in the interior going beyond Khartoum, and Ptolemy speaks of three great equatorial lakes. However, Amm. Marcellinus (xxii. 15) declares the sources of the Nile to be undiscoverable: . . . *posteræ ignorabunt actates*. Nubian inscriptions state that the Blemmyes and the Axumites were conquered by Severus.

² Dion, lxxv. 13.

upper valley of the Nile; but a pestilence breaking out, he relinquished the design and returned down the river to Alexandria. Here he visited the tomb of Alexander, the Museum, always busy with its useless labors,¹ and the library of the Serapeion, one of whose courts was adorned with the famous Pompey's Pillar. The



PYLONS OF THE TEMPLE OF ISIS AT PHILAE.²

Emperor was pleased with this city, or thought it politic to appear so. The Alexandrians had taken sides with Pescennius, and inscribed upon their gates: "This city belongs to Niger, our master." When Severus appeared, they said to him: "We did indeed write this, but were well aware that thou wast Niger's master."³ The Emperor asked no better excuse to pardon them. He restored to them the senate and municipal magistrates which Augustus had

¹ See Vol. V. p. 380. In respect to the *nomina difficiles* of the Museum, cf. Letronne, *Inscr. d'Égypte*, ii. 399, 400, the inscription of that pensioner of the Museum who calls himself an Homeric poet because he composed *centos* of Homer's verses.

² See Vol. V. p. 379, the restoration of this temple.

³ Spart., *Ser.* 17.

taken away; revised their laws.¹ restricted to voluntary jurisdiction the functions of the Roman *juridicus*, who had been for over two centuries the supreme judge in Alexandria; and to mark his confidence in this province he cancelled the rule established by the



THE PHARAOH AMENOPHIS III. (MEMNON.)²

first Emperor. — that Egypt should have for governor only a prefect of the equestrian order;³ and, finally, he gave the city a gymnasium and a great temple, which he called the Pantheon.⁴ Like

¹ Dion, li. 17. Also Malalas says (vii. 293): 'Ἰνδοσυγκριτίας αὐτοῖς παρασχὼν ἐδέξατο αὐτοῖς.

² Basalt statue in the British Museum.

³ *Chron. Alex.*, ad ann. 202.

⁴ An inscription (Letronne, *ibid.* p. 463) shows him also repairing the pavement of a temple. If so many epigraphic monuments had not perished we should certainly have had more numerous proofs of the works ordered by Severus in Egypt.

Trajan and Hadrian. Severus was a great builder, and monumental Egypt was not likely to discourage his taste for magnificent constructions.

This strange country made its wonted impression upon the imperial traveller. In after years. Severus took pleasure in recurring to his journey in Egypt and the marvels which he saw there. The cult of Serapis, whose sanctuaries he had everywhere found,¹ particularly attracted him. He was impressed with this potent combination of dissimilar doctrines whereby the pagan mind sought to satisfy the ideas then dominant of divine unity and of salvation by



SERAPIS.²

the god who is "master of light and darkness, of life and death." Macrobius has preserved this reply of an oracle of Serapis: "Who am I? I will tell you what I am. The vault of heaven is my head; the sea, my breast; the region of the sky, my ears; and my eye, the brilliant torch of the sun which sees all things."³ Serapis represented therefore the god in whom all others were united; combined with Isis, "the goddess of a thousand names," he was the fecundating force, and the nature which conceives; he was also the god who gave safety in heaven and earth. His temples were thronged with pilgrims, the walls of them were covered with offerings, and all men talked of the miraculous cures that he wrought, while the old divinities remained silent and gloomy at their deserted altars. Severus and his family seem to have been won over to this cult.⁴ We know that Caracalla consecrated to Serapis many temples, even in Rome,—notably one near the Colosseum, a sanctuary of Isis and Serapis which gave its name to that region of the city;⁵ and when we read that Severus built a Pantheon at Alexandria, we are led to believe him influenced by a kind of religious syncretism in giving the name

¹ The rhetorician Aristides enumerates forty-three in Egypt. To this author Serapis is the god of the gods, who rules the land and sea, light and darkness, life and death.

² On a bronze of Septimius Severus coined at Ptolemais.

³ *Saturn.* I. xx. 17.

⁴ *Jucundam sibi peregrinationem hanc propter religionem dei Serapidis . . . Severus ipse postea semper ostendit* (Spart., *Sev.* 17).

⁵ The third. The worship of Isis had been secretly introduced into Rome as early as the time of the Second Punic War (Val. Max., I. ii. 3), and two centuries before the Christian era Delphi already had a Serapeion, which the French School of Athens has recently discovered (*Bull. de corr. Hellén.*, 1882, p. 306). In respect to this cult, see above, p. 392. Commodus was a fervent worshipper of Isis (Lamp., *Comm.* 9).

of all the gods to a temple which in his mind he dedicated to the One Divine Principle. Thus took shape this new form of paganism which we have seen coming into existence in the preceding century, which prepared the way for the Jehovah of the Mosaic religion.¹

Notwithstanding his interest in religions, Severus was no more favorable to theological quarrels in Egypt than he had been in Palestine. He removed from all the sanctuaries the books containing secret doctrines, those which kept alive the secret organizations so often prolific in seditious schemes. These books he did not destroy, but he shut them up in the tomb of Alexander, so that no one should read them. He was a true Roman, one of that class of soldiers and statesmen who have no affection for matters which the sword can never settle and by which governments are forever disturbed. But he was also a man of fine intelligence. Among these books there is one which, instead of proscribing, he certainly admired, the *Book of the Dead*, which we find with the mummies, as it were a voice from beyond the tomb. Here are words like these: "When that divine principle, Intelligence, enters a human soul, she seeks to rescue it from the tyranny of the body and raise it to the heights where she dwells. . . . Often she triumphs; then the conquered passions become virtues, the soul, set free from its bonds, aspires to good and divines the eternal splendors through the veil of matter which obscures its vision.

"When a man dies, his soul appears before Osiris and his actions are weighed in the unerring balance. If it is pronounced guilty, it is given over to the tempests and storms of the combined elements, until it can return into a body, which in its turn it tortures, overwhelms with evils, and drives into crime and madness." That is to say, the wicked man is a condemned soul expiating the sins of a former existence.

But Heaven opens to the soul which can say to its judge: "I have followed what is right and spoken the truth; no man can

¹ See above, pp. 401 *et seq.* Severus had already erected in Byzantium a temple and a statue to the Sun, *Deo Zeuxippo* (Malalas, *Chronogr.* xii. 291). Tertullian (*Apol.* 24) says himself to the Romans: *Nam conceditis de estimatione communis aliquem esse sublimiorem et potentiorum velut principem mundi . . . imperium summam dominationis esse potius unum.* We shall see in the time of Aurelian, Constantine, and Julian, the increasing popularity of the worship of the Sun.

complain of me. I have cherished my parents; I have been the joy of my brothers and the delight of my servants. I have committed no crime or abominable act. No laborer has exceeded his day's work for me. I have done the slave no ill turn with his master, nor driven the flock away from its pasturage; I have committed no adultery. I am pure! I am pure!"

And again: "I have neither lied nor done evil, and I have sowed joy, giving bread to the hungry and water to the thirsty, and garments to the naked.

"Then this pure soul rises through the unknown heavens. Its knowledge increases, its strength is augmented, it passes through the heavenly dwelling and tills the mystic fields of Aalu. At last the day of the blessed eternity dawns for it. It is united with the flock of the gods in adoration of the Perfect One; it sees God face to face, and is lost in Him."¹

That which ancient Egypt had so long kept for herself alone, was now spreading through the world. This country, of which Bossuet, judging by external appearances, said that "all was god there except God himself," taught divine unity, the judgment of the dead, and eternal blessedness gained by virtue in our earthly life. From Memphis, from Jerusalem, from Palmyra, from even remoter lands, was setting a current of ideas in certain respects analogous, which was destined to meet another current from Athens and Rome, and to blend with it. Upon these united streams was to sail—first cautiously and silently, but presently with all its canvas set—Saint Peter's bark bearing the triumphant Cross.

¹ M. Maspero, *Revue critique*, 1872, p. 338.

NOTE. — The illustration facing p. 524 represents a restoration of the main façade of the temple at Luxor by Ch. Chipiez, borrowed from the *Hist. of Arch.* of Perrot and Chipiez, vol. i. p. 349.

CHAPTER LXXXIX.

GOVERNMENT OF SEPTIMIUS SEVERUS (193-211 A.D.).

I.—THE COURT; PLAUTIANUS AND JULIA DOMNA.

THE East being pacified and organized, Severus returned to Italy through Asia Minor and Thrace. Like Hadrian, he was in no haste to return to the capital, with its festivities and intrigues. It seemed to him wiser to inspect the frontier of the Danube, which he had not visited for nine years, and the armies of Moesia and Pannonia, to which he owed his throne. "Everywhere," says Herodian, "he introduced order throughout the provinces."¹ We admit the assertion as well founded; unhappily, however, we have not the facts whereby to prove it.

At last, in the middle of the year 202,² Severus came back to Rome. It was the tenth year of his reign. At this point it had been once the custom to renew the imperial powers (*sacra decennalia*); but this fiction had been for some time given up. The solemnity was now only an anniversary celebrated with great magnificence. Severus on this occasion added a largess of fifty million drachmae, distributed, at the rate of a thousand sesterces apiece,⁴ among the praetorians and all those who received public corn. The ruler had his share. An Arch of triumph, which is still in existence, was erected in his honor at the foot of the Capitol. Its proportions are fine; but the great amount of carving—which seems the work of artisans rather than



GOLD COIN.³

¹ Herod., iii. 10.

² We find in the *Code* (ii. 53, 1) an edict dated at Sirmium the 18th of March, 202, and in Cohen (iii. 234) a coin . . . ADVENT. AVG., struck in the third consulship of Severus. An inscription of Lambese (L. Renier, *Inscr. d'Alg.* 69) gives ground for the supposition that in 203 Severus went to Africa.

³ Souvenir of the return of Septimius Severus to Rome (*Adventus avgv.*); the Emperor and his two sons on horseback, lifting the right hand.

⁴ Dion, lxxvi. 1. This largess implies 200,000 persons to receive it. See p. 213.

of artists — betrays the decline of decorative art. A long inscription states that the Arch was constructed in honor of the Emperor, "who has strengthened the state and enlarged the Empire."¹

Two years later were celebrated the secular games, which brought new gifts² to the people and the soldiers. Heralds went



ARCH OF SEPTIMIUS SEVERUS AT ROME.

through the city and throughout Italy proclaiming: "Come to these games, which you will never see again." The last celebration had occurred in the reign of Domitian, in the year 88. Three generations were allowed to pass between one celebration of these

¹ . . . *Ob rem publicam restitutam imperiumque populi Romani propagatum* (Orelli. No. 912).

² Josephus, ii. 7; Herod., iii. 8; Cohen, iii. 254 and 273.

games and the next. That in the time of Severus was the eighth which the Romans had observed.

At this time there was in Rome a man almost as powerful as the Emperor himself. Plautianus, the prefect of the city. It will be remembered that Augustus had seemed to divide the authority into two parts. — the one relinquished to the Senate, the other reserved for the Emperor, — and that he had constituted two kinds of offices, those belonging to the senatorial order, and those belonging to the equestrian order. At the head of the former was the prefect of the city: at the head of the latter, the praetorian prefect. This division of authority was not a real one: the truth quickly appeared, and the Emperor was politically what he must be in such a condition of society, — the sole power.² He absorbed by degrees into his council³ — which was composed of senators, juriconsults, and the heads of the imperial judiciary — almost all the legislative, judicial, and administrative power of the Senate. The latter retained scarcely any other function than that of registering the decrees determined on by the council.



GOLD COIN.

The functionary who had especially the imperial confidence, since he held the Emperor's life in his hands, was the man who gained most by this change. In the beginning, the praetorian prefect had no other duty than that of protecting the person of the *imperator*, who to this end had invested him with military jurisdiction over all the troops stationed in Italy.⁴ The Greeks called him "the king's sword,"⁵ and he followed close behind the Emperor in all military expeditions. This "sword," however, the Emperor employed for all kinds of uses. Was it necessary to arrest a guilty person, to kill an innocent one, or merely to make preliminary investigations, the praetorians were there: they and their chief owed the ruler a military obedience in whatever he

¹ Memorial of the secular games (*saecularia saecra*). Severus, veiled, standing, sacrificing at an altar; opposite the Emperor, Caracalla, standing; behind the altar, Concordia; at the left, a flute-player; at the right, a woman playing the lyre.

² I mean to say that, in the nature of the case, he inevitably became the political and military head, but he was not obliged to become the sole administrator.

³ See Vol. IV. p. 97, and Vol. V. pp. 394, *et seq.*

⁴ Except the urban cohorts, which were under the orders of the *praefectus urbi* (Dion. liii. 24).

⁵ τὸ βασιλείον ξίφος (Phil. *Vita Ape.* vii. 16).

might command. The criminal jurisdiction of the prefect was extended at first from the soldiers to the slaves, and by degrees invaded all classes. He who originally was only "the Emperor's sword" became "the sharer in his labors, his assistant,"¹ and in many cases his representative, — *vice sacra agens*, as was the phrase later. He became a member of the council, and in the Emperor's absence was its presiding officer; he shared in the decision and execution of all affairs; assisted the Emperor in deciding cases; acted as his representative even in the civil jurisdiction; and received appeals in his stead. Alexander Severus afterwards gave the sanction of law to the prefect's decisions.² He was, therefore, with undetermined—and therefore unlimited—power, a sort of prime minister and chief justice; and we may say that he was in certain respects at the head of the army, being at once superintendent of military stores, inspector of arms and arsenals, and adjutant-general in military operations.³ The practice of composing the army in the field of detachments selected from the different legions, and placing at the head of these bodies of troops *duces* having no territorial command, had given occasion for this new duty of the praetorian prefects. They are the predecessors of those viziers of the sultan who hold in one hand the Emperor's signet and in the other the standard of the Empire.

Such was the authority possessed by Perennis under Commodus, and now by Plautianus under Severus. As it was but a reflection of the imperial authority, it is proper for us to distrust the vague accusations made against the prefects of the good reigns. Rulers mindful of the public welfare might permit great severities, but they would not authorize crimes. This should be specially borne in mind in judging of Plautianus. Of low birth, but,

¹ *Socius laborum* (Tac., *Ann.* iv. 2) and *adjutor imperii*. Pomponius, in the time of Hadrian, compared the praetorian prefect to the tribune of the *ceteres* under the kings and the *magister equitum* under the dictators (*Digest*, i. 2, 2, sect. 19). Herodian (v. 1) quotes a letter of Macrinus to the Senate, in which it is said that this office was very near the sovereign power, τῆς πράξεως οὐ πολὺ τι ἐξουσίας καὶ δυνάμεως βασιλικῆς ἀποδεύσης, summed up by Lampridius (*Diad.* 7) in the words *secundus imperii*. See also what is said by Charisius in the *Digest* (i. 11) and by Dion (lxxv. 14).

² In 235; cf. *Code*, i. 26, 2.

³ *Hist. Aug. Gord.* 28–29; *Trig. Tyr.* 11. Later he had the duty of levying that part of the public tax which served for the pay and support of the army (Zosimus, ii. 32), and already punished financial agents guilty of extortion (Paulus, *Senten.* v. 12, 6).

like Severus, an African, and possibly a kinsman of the Emperor;¹ he had followed the latter in all his wars at the head of the guards, and in the intervals between these expeditions he doubtless returned to Rome, where the Emperor had need of a man upon whom he could rely. The powers belonging to the office, therefore, were increased



PLAUTILLA, WIFE OF CARACALLA (MARBLE BUST IN THE LOUVRE).

by the absolute confidence which the Emperor felt in him who at this time held it.

On one occasion, however, Plautianus narrowly escaped a fatal disgrace. The order had been given to throw down the statues which the prefect had erected to himself near those of the

¹ His name was Caius Fulvius Plautianus. As the mother of Severus was Fulvia Pia, and his grandfather Fulvius Pius, Reimar (*ad* Dion, lxxv. 11) concludes that Plautianus belonged to the imperial family. In certain inscriptions it is said, *ad finis*, D.D. N.N. (*C. I. L.* vol. i. No. 6,075; vol. v. No. 2,821); in others, *Augustinus* *et* *omnes* *per* *omnes* *expeditiones* *cora* (*C. I. L.* vol. v. No. 1,074). Another inscription, No. 226, includes him in "the Divine House," and his name follows that of the Augusti, the Caesar Geta, and the Empress Julia.

imperial family, and Severus had used the formidable expression, "public enemy," which had been caught up and repeated. But



JUNO.³

Plautianus had regained the Emperor's favor; and the ruler, so severe towards others, strove to dissipate the memory of his momentary displeasure by loading the prefect with public expressions of regard. An orator having said in the Senate: "Before Severus does any harm to Plautianus, the sky will fall," the Emperor remarked to the senators at his side that this was true. "I could not injure Plautianus," he said, "and I hope not to survive him."¹ Severus had violated, in favor of his prefect, a rule established by Augustus, twice appointing Plautianus consul;² and with the design of securing his son an experienced guide, had made his prefect the father-in-law of the designate Emperor. Dion relates

that he saw the dowry of Plautilla, "the new Juno,"⁴ carried into the palace, and that it was enough for fifty kings' daughters.

¹ Dion, lxxv. 15 and 16.

² Plautianus had really received only the consular ornaments; but Severus counted this honor as if it had been a real consulship (Dion, lxxv. 15; *C. I. L.* vi. 220). The rule of Augustus had already been violated. Clemens, under Domitian (*Tac., Hist.* iv. 68), and Tatianus, under Hadrian (*Spart., Hadr.* 8), had been at the same time consuls and praetorian prefects. Alexander Severus decided, contrary to the ordinance of Augustus, that the praetorian prefecture should be a senatorial office.

³ Statue in the Museum of Naples.

⁴ Νέα Ήρα (Waddington, *Pastes de la prov. d'Asie*, p. 247).

Accordingly, the prefect had a royal retinue, and all ranks of men, the Senate, the people, and the army, vied with each other in basely flattering him. Though it was no longer permitted to erect statues to him of equal height with those of the Emperor himself, men called him the Emperor's cousin, they made oath by his fortune, and they prayed for him in the temples with all the more fervor because he seemed in no need of their prayers. Did Plautianus abuse this vast power, more dangerous in the hands of the minister than of the master? Dion accuses him of many follies and of every crime, without giving details, or else giving them too exactly. For example, the historian declares that Plautianus had stolen "the horses of the Sun, animals resembling tigers, that were kept on an island in the Red Sea." If we must explain this, it might be said that tiger-horses were zebras. But when he relates that Plautianus snatched from their homes a hundred Romans of free condition, married men and fathers of families, and subjected them to mutilation that his daughter might have a train of attendants in Oriental style, and adds, "the thing was not known until after his death," we are justified in saying that Dion allowed himself to repeat one of those foolish calumnies which gather about great men in their fall. Such an act could not have been accomplished in silence, and the prefect could never with impunity have outraged by this crime an imperial decree¹ in force at the time, or the public indignation which the wives and children of the victims would have aroused.

His great wealth caused him to be suspected of great rapine: but Severus, who had seized the heritage of the Antonines, of Niger, and of Albinus, gave a large share to Plautianus in the numerous confiscations of the reign.² This African was no more reluctant to shed blood than was his master. After the victory at Lyons he insisted on the destruction of the family of Niger, whom Severus had at first spared. Since the death of Albinus the aristocracy did indeed curse the new ruler under its breath:

¹ Dion, lxxvii. 2. Amm. Marcellinus points out that this law was still in force in the fourth century, and he esteems it very useful. *receptissimam inclaruit legem* (Dorn. xviii. 4).

² Herod., iii. 10. Plautianus did not have, as has been asserted, "procurators of the private domain," like those of the Emperor, scattered through the provinces to administer his estates. The *procurator ad bona Plautiani*, whom we find mentioned in the inscriptions (Or.-Henzen, No. 6,920), is a *procurator ad bona damnatorum* (Ibid., Nos. 3,199, 6,519).

but it had no longer the energy to form conspiracies. Plautianus feigned or believed that such there were, and victims fell. It is not easy to see in Severus a weak ruler closing his eyes to crimes committed by his minister. If the prefect ordered unmerited punishments, the responsibility falls upon the Emperor, who, made suspicious by the Senate's conduct towards the British Caesar, approved of everything.

I have already indicated the secret of this favor; it was natural. Severus, whose feeble health warned him to take thought for the morrow, sought to secure to his sons and to the Empire the assistance of a man capable of carrying on the work he



GOLD COIN OF PLAUTILLA
AUGUSTA.¹

had himself begun; and he believed that he had made this subordinate so great that he would have no temptation to seek to become greater. The plan was marked by good sense, but passion defeated it.

The excessive prosperity of "the vice-emperor"² dazzled him. Plautianus was guilty of the imprudence of making an enemy of the Empress by perfidious insinuations against her conduct, and of the heir to the throne by the affectation of a paternal regard, whose ill-judged advice exasperated this violent youth. The marriage of Plautilla, which had seemed to consolidate his fortunes, caused their downfall. Is it possible that Julia was averse to this union? Did she share her son's feeling against the favorite whose popularity offended this Emperor of fourteen, until, animated with equal hatred against father and daughter, he expelled the latter from his bed and the former from his house? Dion does not inform us on this point; but he says that the young Augusta, prouder of her father than of her husband, had rendered herself intolerable to Caracalla, and that Plautianus, extremely exasperated against the Empress, displeased her in a thousand ways. These domestic quarrels brought about a catastrophe.

Severus had renewed and strengthened the laws against adultery, and prosecutions of this crime were frequent in Rome.³ Plautianus

¹ On the obverse the head of the Augusta; on the reverse, Concord.

² "Ὁς ὁ Σευήρος] οὕτως αὐτῷ ἵππευεν ἐς πάντα ὥστ' ἐκείνον μὲν ἐν αυτοκράτορος αὐτὸν δὲ ἐν ἐπὶ ἄρχον μοῖρᾳ εἶναι (Dion, lxxv, 15).

³ Dion, lxxvi, 16. (Cf. in the *Digest* (xlviii, 5, 2, sec. 3) two edicts of Severus on this subject.

attempted to involve Julia in accusations of this nature, and Dion asserts — which appears strange — that the prefect sought testimony against her even by subjecting women of rank to torture. Unable to struggle against the all-powerful minister, the Empress



THE EMPRESS JULIA DOMNA.¹

took refuge among her men of letters and philosophers: but Caracalla did not accept his mother's misfortunes with equal serenity, and his hatred of Plautianus redoubled.

Severus, alone of all the imperial household, supported the praetorian prefect. Septimius Geta, the Emperor's brother and colleague

¹ Statue of Pentelic marble found at Bengazzi (Berenice), on the coast of northern Africa. Severus was a native of this region (Louvre).

with Plautianus in the consulship of the year 203, was convinced that the latter meditated the destruction of all the imperial family, and upon his death-bed conjured his brother to save himself. The words of Geta made an impression; this was evident from the funeral honors decreed to the accuser of Plautianus, and Caracalla believed the moment propitious to destroy the minister. Three centurions, suborned by the young Augustus, came one evening to the palace and declared that Plautianus had employed them to assassinate Severus and his son: and in proof of this produced a written order to that effect, which they asserted they had received from the prefect. Severus, amazed but not convinced, sent for Plautianus. At the door of the palace the prefect was deprived of his guards, and entered the imperial presence alone. Severus spoke to him gently. "Why do you wish to destroy us," he said; "who is it that has persuaded you to this?" Plautianus denying the charge eagerly, Caracalla fell upon him, snatched away his sword, and struck him in the face, crying out: "Yes, you have sought to murder me." He would have killed the prefect on the spot, but his father prevented it; upon this the youth called upon a lictor to kill Plautianus, and, being Augustus, his word was law: the lictor obeyed. The body of Plautianus, flung out from the palace, was cast into a lane, where it lay until Severus ordered it to be interred (23d January, 204).¹

In all this matter the Emperor plays a despicable part. Through paternal affection he had suffered his friend to be murdered in his presence. On the morrow it was made clear to every one that Severus did not believe in the pretended conspiracy;² for

¹ The *Chronicon paschale* places the death of Plautianus on the 22d of January, 203. But after having spoken of the prosecution of Ræcius Constans, which took place after the return of Severus to Rome, — that is to say, in the year 202, — Dion (lxxv. 16) says that Plautianus remained in favor for a year longer, which brings us to the middle of 203. An Algerian inscription (L. Renier, 70) shows that he was alive August 22d, 203. To conclude, it appears from Dion (lxxvi. 3) that the catastrophe took place at the moment when the last spectators of the Palatine games were leaving the palace. These games, we know, began January 21st, and lasted three days (Marquardt, *Handb.* iv. 429-445). This gives us the 23d of January, 204, as the date of the tragedy. The story of Herodian (iii. 11 and 12), which supposes a real plot formed by Plautianus, though much more dramatic, is improbable. It tells the story as put in circulation by Caracalla, and inscriptions testify to its currency in the provinces. But Dion was at Rome; he heard everything; he was no friend to the prefect, and would not have failed to narrate the treason of Plautianus had he believed in it.

² . . . ἐπεὶ οὐ παννύχιοι (to the denouncers) πιστεύει (Dion, lxxvi. 5).

instead of dwelling on the prefect's crime in his address to the Senate, he had recourse to the usual commonplaces of philosophy, deplored human weakness, which could not support too great elevation, and accused himself of having ruined Plautianus by loading him with honors and tokens of affection. It being necessary, however, for the justification of the murder that it should appear that a plot had been discovered, certain of the prefect's most devoted friends were sent to join him in the other world.¹ His daughter and his son were banished to Lipari, where, at a later period, Caracalla caused them to be murdered.

It is not certain whether it was as a friend of Plautianus that Quintillus was put to death. He was a man of high birth, and one of the principal senators, but lived in the country, far from public affairs and intrigues. He died in the antique manner. Being condemned upon calumnious depositions, he ordered to be brought out the articles he had long before prepared for his interment; and seeing that they had been injured by time: "How is this?" he said. "We have delayed too long." He burned a few grains of incense on the altar of the gods, and gave himself up to the executioner. Other senators, accused of various unknown crimes, were convicted, says Dion,³ and condemned. But the crimes of that time would not all be such in our day, as is shown by the following instance, which exhibits one of the calamities of that form of government and social organization. Apronianus, governor of Asia, was accused of employing the resources of magic to discover if the fates did

LAURELLED CARACALLA.²

¹ Dion speaks only of the execution of Cæcilins Agricola and the exile of Coeranus, who, being recalled seven years later, was the first Egyptian made senator (lxxvi. 5). Macrinus, the future Emperor, was the steward of Plautianus, and Severus took him into his own service.

² Engraved stone, amethyst of 12 mill. by 9, in the *Cabinet de France*.

³ After debate, ἀπολογισαμενος καὶ ἀδίκως (lxxvi. 7). Cincius Severus, who perished under accusation of wishing to poison the Emperor (Spart., *Sev.* 13) may have been of this number. Spartianus speaks of him as an innocent man.

not intend for him the imperial power. The thing is possible, for magic was the mania of the time. Legislation held it in such fear that these practices were made a capital crime, and Tertullian esteems it only just, since this rash curiosity supposes in all cases evil designs.¹ Apronianus was condemned. The interest of this prosecution is not in its result for the accused, but in the scene that Dion relates. "When we had read all the proofs, we found among them this deposition of an eye-witness: 'I saw a bald-headed senator leaning forward in order to see.' At these words we were in a terrible fright, for neither the witness nor the Emperor had mentioned the name. Fear was extreme among the senators whose heads or even foreheads were bald. We looked about us with anxiety, and we said: 'It is this man;' or, 'It is that.' I will not deny that my anxiety was so great that I tried with my hand to draw my hair forward over my head. The person reading, however, went on to say that this senator was clad in the *praetexta*. All eyes then turned to the aedile Baebius Marcellinus, who was completely bald-headed. He rose, and coming forward, said: 'The witness will of course recognize me if he has seen me.' The informer was called in, and looked about for some time; until at last, on a slight hint from some one, he pointed out Marcellinus. Thus convicted of being 'the bald-headed man who had looked on,' he was led out of the Senate and decapitated in the Forum before Severus had been informed of his condemnation."²

If the Emperor had known, would he have approved it? He had not designated Marcellinus in the papers sent in to the Senate, and perhaps he would have remembered that he himself, under Commodus, was in great peril by reason of a similar accusation.³

But what we have to observe is this terror among the senators; this eagerness in directing towards a man probably innocent the blow suspended over the heads of all; this haste in causing instant

¹ *Apol.* 35.

² Dion, lxxvi. 8-9. This narrative, which I have been obliged to abridge, brings to light the method of procedure: it shows that a secret written investigation was first made by the imperial secretary *a cognitionibus*; that the report contained the name of the official who had directed the investigation, the names of the witnesses, the results of the inquiry, and the statement that it had been submitted to the Emperor and was by him transmitted to the Senate. Cf. Cuq, *Le Magister sacrarum largitionum*, p. 124.

³ Sent by Commodus to the prefects of the praetorian guard: he was acquitted by them (Spart., *Ser.* 4).

execution to follow upon the sentence, thus depriving an accused person of all the guaranties of even-handed justice, and a condemned person of the benefit of that law of Tiberius requiring a delay of ten days. In all this we see that more fatal than the despotism of the Caesars was the base servility of those who surrounded the ruler, and who, not making use of existing laws to restrain him, left men no other resource against him but conspiracy.

Were there conspiracies under Severus? Certain witnesses assert that there were. His life was often in danger, says Ammianus Marcellinus,¹ and inscriptions contain thanks to the gods for having protected the Emperor and his family against the guilty machinations of the enemies of the state. Ammianus Marcellinus names only one of these plots, that attributed to Plautianus, and it is difficult for all the inscriptions (one of which is dated 208) to be explained as referring to this event alone.² Defended by the devotion of his praetorians and his legions, having two sons grown to manhood whom a conspirator must also strike at the same time with their father, Severus had nothing to fear. Between the death of Plautianus and the departure of the Emperor for Britain, Dion mentions no other condemnations than those of which we have just spoken. As this historian does not believe in the treason of Plautianus, and mentions no other cases, we are authorized in saying that no other accusations were made, and that this source of the greatest iniquities was dried up.

Severus has, however, the reputation of being extremely cruel; he merits it by reason of the executions which he caused to follow each civil war, and the condemnations that he allowed to be pronounced in virtue of odious laws, — which, however, have had their counterparts in modern legislation. But if we examine closely the vague accusations of writers not contemporary with Severus, we no

¹ xxix. 1. He mentions, it is true, but one (and that a questionable) fact, — the order given by Plautianus to a centurion to assassinate the Emperor.

² Guérin, *Voyage archéol. en Tunisie*, ii. 62: . . . *Ob conservatam eorum salutem, detectis insidiis hostium publicorum*. Inscr. of the year 208. Another (L. Renier, *Inscr. d'Alg.* No. 2,160), which seems to allude to some plot fortunately discovered, is expressed in nearly the same words. In No. 5,497 of Orelli, we read: *Quod . . . Domini nostri . . . sustulerunt omnes parricidiales insidiatores*. It is impossible to say to whom Tertullian's language applies: . . . *Qui nunc seclastarum partium socii aut plures quotidia recubantur, post vindictam parricidarum recumbit superstes* (*Ap.* 35). Are these survivors of "parricidal" conspiracies accomplices of Niger and Albinus, or other guilty persons? In any case, we see that Tertullian has no compassion for these victims of civil wars or plots, and regards them as criminals.

longer find ascribed to him that gloomy tyranny which the name of this Emperor suggests. Spartianus, for example, reproaches him with many murders in the interest of his cupidity; Dion,

SEPTIMIUS SEVERUS.¹

on the contrary, expressly says that "he put no man to death for the sake of money."² Another ancient writer³ speaks of con-

¹ Bust found at Otricoli (Vatican, Hall of Busts, No. 290).

² lxxvi. 16; but he reproaches the Emperor with having been unscrupulous in respect to methods of enriching himself, which is confirmed by no known fact, save his forced adoption by the Antonines.

³ Zosimus, i. 8: . . . περὶ τοῖς ἀμαρτάνοντας ἀπαπαίρητος, etc.

fiscations only "in case of the wicked who had been convicted," and the great Christian apologist of that day considers all these persons as justly condemned. Have we not besides witnesses more credible than the miserable scribes of Diocletian,¹ — men who by the mere fact that they worked with Severus testify in his favor? When we find Paulus and Ulpian sitting in the imperial council² and Papinian in the praetorship, we have a right to say that there was wisdom in the government and justice in the administration.

The Emperor who selected such servants was himself no less good as a juriconsult than able as a general. In his council men spoke freely. Paulus argued learnedly against him, and in publishing his collection of the imperial decisions, criticised them with a freedom that does honor both to the councillor and to the ruler. By common accord Severus is represented as simple in his dress, sober in his habits, with dignity in his private life,³ and a respect for himself and for his rank. While legate in Africa he ordered one of his fellow-citizens of Leptis, who had embraced him in the open street, to be beaten; and when Emperor he seems to have so lived that he could prosecute offences against morals without any man having ground to reproach him for being less indulgent to others than to himself. There have been made against him no charges, except one in early youth which has been proved false,⁴ and another of later date, equally unworthy of credence.

He allowed no influence to the Caesarians, — that is to say, his freedmen and the imperial household, — nor even to his brother, who expected to enjoy a large share of power, but was promptly sent away into his province of Dacia: it was a rare case of prudence in an absolute ruler, and was the more valued on that account. The courtiers, whom he could not dismiss, had very little influence

¹ Spartianus and Capitolinus wrote by order of Diocletian.

² Two other eminent lawyers, Tryphonius and Arras Menander, were also members of the council (*Digest*, xlix. 11, 59, and v. 4, 11, 2).

³ Spartianus says (Sec. 1) that during his government in Lugdunensis, *Gentilis abstinentia et honorificentiam et abstinentiam tantum quantum nemo dilectus est*. The same writer speaks of an accusation of adultery made against him and judged at Rome by the praetor Didius Julianus. A praetor, however, could not judge at Rome, and the error on one point throws doubt upon the other.

⁴ Hofner, who discusses this question in his *Notizen zur Gesch. des . . . Severus*, pp. 49–51, says: *Die ganze Geschichte wird nichts anderes sein, als eine gehässige Erfindung*. The reasons assigned by him and M. Roulez seem decisive. Concerning the upright character of Severus, see *Hist. Aug., Tyr. Trig.* 5.

over this Emperor, scornful of the pomp of power, disdaining the honors which the Senate decreed to him, and saying to the Conscrip^t Fathers: "Have in your hearts the affection for me that you parade in your decrees." After his Parthian campaign he refused the triumph, under pretext that the gout rendered him unable to sit upright in the chariot; but if it were a question of inspecting an army or a province, he traversed the whole Empire. He was insensible to the evil that was said of him, and thus could see and act with calmness. A senator whose biting wit had more than once been employed against the Emperor, dared to say to him, when Severus caused himself to be inscribed in the family of the Antonines: "I congratulate you, Caesar, on finding a father." The epigram was transparent; but Severus appeared not to understand it, and its author suffered no loss of the imperial favor. Another senator, a pitiless satirist, had been for certain biting words held under arrest in his palace,—somewhat as in France, after the prosecution of a newspaper editor for libel, the offender is confined in a private asylum. This man continued to attack all men, Emperors included. Severus at last commanded him to be brought into the imperial presence, and swore to him that he would cut off his head. "You can cut it off if you choose," said the incorrigible offender; "but I swear to you that so long as it remains on my shoulders, neither you nor I can be its master." Severus laughed, and the satirist, who ridiculed himself also, was set at liberty.¹ Easy-tempered towards his adversaries when his own safety and the public order did not require severity, the Emperor was a faithful and devoted friend towards those who had gained his affection; he loaded them with gifts and honors, cared for them if they were ill, and kept a supply of the expensive remedies that Galen prepared for him to distribute among them. He thus cured Antipater, his secretary for Greek letters, also the son of one Piso, and the matron Arria.² Conduct such as this does not reveal a savage disposition.

¹ Dion, lxxvi. 6, 9, 16, and lxxvii. 10.

² Galen, *Theriacal*, vol. xiv. p. 218 of Kuhn's edition. This store of remedies, found in the palace after Caracalla's death, gave rise to suspicions; the drugs, believed to be poison, were silently burned, and Macrinus regarded the son of Severus as a poisoner. The murderer of Geta's twenty thousand partisans had no need of this discreet method of ridding himself of his adversaries.

All his time was devoted to the public service, for he was anxious to neglect nothing which might promote the success of his enterprises.¹ Dion gives us the employ of his day: "At daylight he began his work, interrupting it only to take a walk, during which he conversed on public affairs with those whom he called to accompany him. When the hour arrived for the opening of his tribunal, he went thither, unless it were a holiday, and remained until noon. He allowed to the parties all the time that they needed, and to us who sat with him, permitted great liberty of opinion. After the hearing was over, he went out on horseback, or took exercise in some other form, and then took his bath. He dined alone or with his sons, then slept a while, causing himself to be awakened to walk, accompanied by Greek and Latin scholars. In the evening he took a second bath, and supped in company with those who chanced to be present: for he specially invited no one, and reserved sumptuous entertainments for days when he could not avoid them."² This well-regulated life shows a man who must have loved order in everything.

The Empress was worthy of him. The daughter of Julius Bassianus, priest of the Sun at Emesa,³ she was living in that city at the time when Severus commanded a legion in Syria; and perhaps the recollection of her beauty, as well as the fact that an astrological prediction had declared that she was to be a sovereign's wife, decided him to ask her in marriage. There is ascribed to her a prudence which, in this masculine intellect, was united with audacity. It is she, we are assured, who decided Severus to assume the purple.⁴ In return, he showed her great respect. He took her with him on his expeditions; and as he allowed himself to be called in inscriptions *dominus noster*, "the master," she was called *domina*, "the mistress."⁵ and the further

¹ ἐπιμελής μὲν πάντων ὧν πράξαι ἔθελεν (Dion, lxxvi. 16). Herodian (iii. 32 and 43) shows him very assiduous in his public duties.

² Dion, lxxvi. 17.

³ She was born in 170, in modest circumstances, ἐκ δημοτικῶν γενέων (Dion, lxxviii. 24). The priesthood of Elagabalus at Emesa was, however, hereditary, and its high priests had been called kings up to the time of Vespasian (Dion, liv. 9). Domitian was the Emperor who began the imperial coinage at Emesa. Iamblichus, a neo-Platonic philosopher of the fourth century, claimed descent from this royal house.

⁴ At least Capitolinus (*Alb.* 3) says of Severus: . . . *Illorum* (Albinus and Niger) *utrumque bello oppressi, maxime precibus uxoris abducitur*.

⁵ The Romans were able to give this meaning to the word *domina*; but according to Suidas

title was given her, mother of the camps, and of the Senate and the country, and even the whole Roman people.¹



THE EMPRESS JULIA PIA DOMNA.²

This Empress has in history the sad notoriety of being the mother of Caracalla, and later authors, collecting the evil reports current among this people, "whose tongues were ever in revolt,"³

(s. v. *Δόμνος*) the word was a Syrian proper name, and everything seems to confirm this opinion of Suidas.

¹ Orelli, No. 4,945, and L. Renier, *Inscr. d'Alg.*, *passim*. Herzberg (*Gesch. Griechenl.* ii. 422) shows by many inscriptions the popularity of Julia Domna among the Greeks, who honored her as "a new Demeter." In respect to coins, see Cohen, iii. 333 *et seq.*

² Bust found at Rome (Vatican, Rotunda, No. 554).

³ Tertullian, *Ad Nationes*, i. 17, and *Apol.* 35: *Ipsos Quirites, ipsam vernaculam . . . pibem concenio, an alicui Cæsari suo pareat illa lingua Romana.*

have reproached her with many immoralities; but they also accuse her of conspiring against the Emperor. Dion speaks of neither accusation; and the absurdity of the second throws doubt upon the former, even if we do not consider that her intellectual tastes, her four

children,¹ and her rank would be likely to protect her from going astray. She had an inquiring mind, directed towards the great problems of life, for she was ill-satisfied with the ideas and beliefs at that time current in the world. In the palace she had gathered about her a circle³ of intellectual



JULIA DOMNA.
MOTHER AUGUSTA,
MOTHER OF THE
SENATE, MOTHER OF
THE COUNTRY.⁴



JULIA DOMNA,
"MOTHER OF THE
CAMPS."²

men, among whom all subjects were discussed,

which perhaps gave to a contemporary the idea of his Banquet of Learned Men (*Deipno-sophistai*).⁵ She was not offended at being called Julia the Philosopher.⁶ There is reason to believe that Diogenes Laërtius dedicated to her his history of Greek philosophers,⁷ and it is certain that she employed Philostratus to write for her the life of Apollonius of Tyana, to whom the son of Severus consecrated a *heroon*.⁸ All-powerful during her son's reign,

¹ Her two sons, and the two daughters of whom we know nothing. Eckhel, vii. 195: . . . *Tulit quoque liberos sexus mixtos*, "whom Severus gave in marriage after he became Emperor" (Tillemont, iii. 592).

² The Empress veiled, holding a patera over an altar: in front of her, three military standards (Cohen, No. 176).

³ . . . τοῦ περὶ κύκλον (Philostratus, *Vita Apoll.* i. 3). . . τοῖς περὶ τὴν Ἰουλίαν γεωμέτραις τε καὶ φιλοσόφοις (*ibid.* ii. 30).

⁴ Reverse of a large bronze, Cohen, No. 168.

⁵ This form of literary composition was of ancient Greek origin; Plato set the example of it, which Lucian followed. It is not certain, therefore, that Athenaeus was inspired by what passed at the court of Severus. Still, among his guests Athenaeus places Ulpian and Galen, two intimates of the imperial palace, and the entertainment is represented as taking place in Rome, where it is given by the wealthy Larensius.

⁶ . . . τῆς φιλοσόφου Ἰουλίας (Philostratus, *ibid.* ii. 30).

⁷ The book was dedicated to a woman who greatly admired the Academy; but her name, with the dedication, is lost, and we cannot say whether it was Arria or the Empress Julia.

⁸ Dion, lxxvii. 18. Many cities in Greece and Asia had already made a divinity of Apollonius (Philostratus, *Vita Apoll.* i. 5), and Aurelian erected altars to him (Vopiscus, *Aur.* 24). The Christians themselves believed in his miracles and in the oracles given by his statue; this is explained by the theory of daemons. See, in the series of Saint Jerome's works, the twenty-sixth question and its answer.

she was still a student of philosophy while ruling the Empire,¹ and preserved her intellectual tastes until her death. Indeed these tastes lingered upon the Palatine after her time; a half century later the Empress Salonina took pleasure in conversing with Plotinus.



APOLLONIUS OF TYANA.²

With Julia Domna were her sister and her two nieces, also famous for their beauty, — Julia Maesa, who later was able with her own hand to avenge her race by overthrowing an Emperor, and twice caused the purple to be conferred on boys whom she had selected; Julia Soaemias, who is represented on coins as the Heavenly Virgin, but whom Lampridius accuses of mundane frailties, — a reputation due perhaps to her son Elagabalus; and third, the high-minded Mamaea. — doubly mother to Alexander, by blood and by the education she gave this young prince, in whom men delighted to recognize a new Marcus Aurelius. Deeply interested in the great movement of the intellectual world of her time, Mamaea desired, when she heard of Origen, to know the most learned Christian of his time; and as the Empress Julia Domna ordered to be written for her the marvellous history of that Pythagorean ascetic, Apollonius of Tyana, called in those days an incarnation of the god Proteus, so her niece sought to learn from the “man of brass”³ those strange doctrines which led men rejoicing to martyrdom.



JULIA MAMEA
(GOLD COIN).

Into this intelligent group we have the right to introduce three men whose names posterity never mentions but with respect, — Papinian, a relative of Julia Domna, who either owed to her his fortune or else made hers;⁴ Ulpian, also a fellow-countryman of the illustrious Syrian ladies of the imperial household; and Paulus,

¹ . . . μετὰ τοῦτων ἔτι ἐφιλοσόφει (Dion, lxxvi. 18).

² On a medallion in the *Cabinet de France*.

³ Ἀδαύπτερος (Eusebius, *Hist. eccles.* vi. 11). This was the name which his contemporaries gave him. In respect to his relations with Mamaea, see the same author (*ibid.* vi. 21).

⁴ . . . *Et, ut aliqui loquuntur, ad fin.* (Spart., *Car.* 8). Papinian, like Julia, was a Syrian, and from his youth one of the Emperor's friends. The marriage with Julia was made . . . *interventu amicorum* (Spart., *Sev.* 3).

who together with Ulpian was a member of the supreme council.¹ In the presence of the Empress, these grave personages forgot the courts of law, and remembered only what of their profound learning was suited to an intellectual conversation. Sometimes verses of Oppianus were read aloud, which the Emperor had paid for with their weight in gold;² or those which Gordian himself, afterwards an Emperor, was writing at this time to extol the Antonine³ family, where the new dynasty sought its ancestors. Philostratus, a frequent visitor, recited in the palace his *Heroicos*, representing Caracalla as Achilles; Aelian, famous in that time for the sweetness of his style and for his profound piety, doubtless was admitted to relate some of his *Varia Historia*⁴ and Galen.

JULIA MAESA.⁴

¹ It cannot be affirmed that Ulpian and Paulus were great friends. The former never quotes the latter, and Paulus mentions Ulpian only once in the (*Digest* xix. l. i. 43). Fragments from Ulpian, however, form a third part, and those from Paulus a sixth part of the *Pandects*.

² The poem on the chase is dedicated to Caracalla: . . . τὸν μέγαν μέγαλον κυνηγῶν Σόφια Σ-βήρῳ (*De Venat.* i. 4).

³ In thirty books, called the *Antoninial*, he had sung of Antoninus and Marcus Aurelius. Capitolinus says (*Good. tres*, 3): . . . *De Antonino autem et de Marco Aurelio suis*.

⁴ Statue found at Rome near the Porta Capena (Capitoline Gallery, No. 56).

⁵ The Empress took Philostratus with her on her journeys. Aelian was established at Rome permanently: and his reputation of writing Greek with great purity gave him the name of Μελέγλαστος, which must have opened to him the gates of the Palatine, where Greek was more in favor than Latin. Cf. Lampridius, *Alex.*: . . . *Nec valde amara Latine faceremur* (3). . . . *et librum in mensa et legebat, sed Græce magis* (34).

whose noble words we have already quoted,¹— words certainly more than once repeated in the imperial circle,—discoursed there with charming enthusiasm on science and philosophy, especially when he



JULIA SOAEMIAS AS VENUS.²

encountered Serenus Sammonicus, one of Geta's friends, who dipped into medicine and must have been able to draw many curious facts from the sixty-two thousand books of his library.³

¹ See p. 404.

² Marble statue in the Vatican found at Palestrina (Praeneste), on the site of the forum. The hair seems to be fitted to the head like a wig. The Amor placed beside the Venus is stretched upon a dolphin (*Museo Pio Clem.* vol. ii. pl. 51).

³ Sammonicus wrote in verse on the subject of medicine, and dedicated some of his treatises to Severus and Caracalla (Macrob., *Saturn.* III. xvi. 6). Geta read his books assiduously, *familiarissimos habuit* (Spart., *Geta*, 5).

The Emperor took pleasure in these intellectual discussions, for this stern soldier loved letters and desired to understand all learning.¹ Before attaining

the imperial dignity, he had passed in the schools of Athens, *causa studiorum*, a period when he was in disgrace at Rome;² and Galen tells us that the Emperor had a special esteem for a great Roman lady "because she read Plato."³ This Arria must also have made one in the imperial circle. It was the prototype of those Italian courts of the fifteenth century, where Plato lived again, and ladies of the highest rank listened to learned dissertations on a world



GALEN, PHYSICIAN AND PHILOSOPHER.⁴

which was also seeking to regenerate itself. But in Florence men were coming out into the full day, while in the Rome of Severus, notwithstanding equal mental curiosity, they wandered in the midst of confusing twilight.

¹ *Philosophiae ac dicendi studiis satis deditus, doctrinae quoque nimis cupidus* (Spart., *Sec.* 18 and 1); . . . *cunctis liberalium deditus studiis* (Aur. Vict., *De Caes.* 20). *Civilibus studiis clarus fuit et litteris doctus, philosophiae ut peritissimus* (Eutropius, *vi.* 19).

² Spart., *Sec.* 3. He took pleasure in hearing all the famous sophists of the time (Philostratus, *Vitae Soph.* ii. 27, 3).

³ Galen's *Works*, xiv. 218, Kuhn's ed.

⁴ Visconti, *Icon. grecq.* vol. i. 1st part, p. 168.



GOLD COIN OF SOMMAS.

II. — LEGISLATION AND ADMINISTRATION ; PAPINIAN.

A RULER is judged also by the counsellors he selects. I have mentioned Papinian among the intimates of the palace. The great juriconsult had been the friend of Severus since the youth of both, and after the latter's accession to the Empire he appointed Papinian *magister libellorum*.¹ The duties of his office obliged the chief secretary to settle the doubts of judges, to reply to questions from governors, and to attend to petitions of private individuals. These rescripts, prepared for special cases, often formed exceptions to the common law. They broadened previous legislation, and infused into it that spirit of justice which was manifested by the juriconsults. The rescripts of Papinian have this character especially.² He was a man of clear and penetrating intellect, in whose upright soul what is legal and what is honest were identified, and an elegant writer, whose works became classics and were employed as text-books in the schools of law.³ The code published two centuries later (439 A. D.) by two Christian Emperors, places him above all the other Roman juriconsults.⁴

After the death of Plautianus, Severus gave to Papinian the office of praetorian prefect, reverting at the same time to the often interrupted but very ancient custom of sharing this important

¹ . . . *Amicissimum imperatori* (Spart., *Car.* 8). *Digest*, xx. 5, 12 pr.

² See p. 353. Tertullian (*Apolog.* 4) recognizes this openly: *Nonne et vos quotidie, experimentis illuminantibus tenetis antiquitatis, totam illam ceteram et squalentem silvam legum novis principalium rescriptorum et edictorum securibus rusticis et caeditis*. This is the same legislative labor which England, heir of the Romans' practical sense, is carrying on in India, where she prudently waits, before making laws, until interested parties claim their rights and experience reveals needs. In one of his books, for instance, Papinian restrains the testamentary authority of the father, refusing him the right to put into his will a clause, *quam senatus aut princeps improbant . . . nam quae facta laedunt pietatem, existimationem, verendum nostrum et, ut generaliter dixerim, contra bonos mores fiunt nec facere nos posse credendum est* (*Digest*, xxviii. 7, 15). Besides Ulpian, Paulus, and Marcian, there were at this time living Callistratus, of whose works ninety-nine fragments are contained in the *Pandects*, and two members of the council, Cl. Tryphonius and Arrius Menander, who also contributed to the *Pandects*. The reign of Severus, with still another renowned lawyer, Tertullianus, continues, therefore, the flourishing period of Roman jurisprudence.

³ For students of the third year, *Papinianistae*. Spartianus (*Ser.* 21) calls it *juris asyllum et doctrinae legalis thesaurum*.

⁴ *Code*, *Theod.* i. 4: *Lex unica de responsis prudentium*.

duty between two or even three persons.¹ This usage, contrary to all the military institutions of the Empire, was required by the importance of the office and the variety of talents it demanded.

Papinian had for colleague a soldier, Maecius Laetus; and when we see at the head of the army the valiant and able defender of Nisibis,² and at the head of the civil administration the jurisconsult of whom an old writer says, "his love for justice and his understanding of it were equal," we must feel sure that the state was well served by these two men, who for eight years remained as much the friends as the ministers of the Emperor. Unfortunately, we have but little information in respect to their labors.

The legislative work of Severus was, however, considerable: the fragments of his rescripts surpass in number those of his most active predecessors. "He made many excellent laws," says Aurelius Victor, and Tertullian adds, "useful laws;" for he congratulates the Emperor, whom he calls "the most conservative of rulers,"³ on having reformed the Papian-Poppæan Law, "which was almost a whole code in itself."⁴ Unfortunately, there exists scarcely anything of this legislation, and most of the rescripts of Severus which remain to us are merely applications of early law employed by the jurisconsults in defining jurisprudence.⁵ In respect to the history of Roman legislation, these rescripts, therefore, have little importance. But they have much in reference to political history, for they show in what spirit this Emperor caused the laws to be executed; and this spirit is one of benevolent equity, which we are bound to keep in remembrance: *benignissime rescripsit*, says a jurisconsult. He himself marked this character of his administration when, in a speech which he caused his son to read to the

¹ Herod., iii. 8. In the reign of Caligula we find two praetorian prefects (Suet., *Cal.* 56), and also two in the time of Nero (Plut., *Græc.* 8; Tac., *Hist.* iv. 2) and under Antoninus.

² See p. 505. An inscription of May 28, 205, shows them both praetorian prefects (Or.-Henzen, No. 5,603).

³ *Legum conditor longe æquabilium* (Aur. Victor, *De Caes.* 20). *Constantissimus principum* (Tert., *Apol.* i. 4).

⁴ The Christians desired the abrogation of this law, which was decreed by Constantine (*Code*, viii. 58, 1).

⁵ Many imperial rescripts may be compared to the decrees of the French Court of Cassation, whose dates do not determine the date of the legislative provision sanctioned by the decree, nor even that of the commencement of jurisprudence in respect to the point in question, but attest that this provision and this jurisprudence were in force at the period where history meets them; and this suffices to justify our citations.

Senate, he called upon the Conscript Fathers to soften the rigor of the laws.¹ "If a man," says a great legal authority of the time, "be accused of crimes which fall under two different penal ordinances, one milder, the other more severe, the former is that which should be applied in the case;"² and acts corresponded to words.

To put one's treasures in a secure place, it was the custom to deposit them in a temple; and a theft from the sacred building brought with it the penalty of sacrilege. Severus allowed only the *actio furti* against those who, without touching the sacred objects, had carried off the possessions of a private person. He however condemned to exile a senator's son who had caused to be carried into a temple a chest in which a man had been concealed, so that when night had come and the doors were closed, he could steal at leisure.³

In cases of treason, the property, both present and prospective, of the condemned, fell to the public treasury: the Emperor decided that the sons of the criminal should retain the rights which their father had had over his freedmen; and this was esteemed a great indulgence.⁴ While Severus did not abolish the unjust, but profoundly Roman, law of confiscation, at least he modified its rigor; and his councillors established, in all cases, that the fault of the father was not to fall upon the son, and that illegitimate children, those born of adulterous or even incestuous connections, should not, on account of the stain on their birth, be excluded from public honors. One of his rescripts established a new mode of confiscation against which no objection can be made. "The husband," he said, "who does not avenge his murdered wife shall lose whatever of her dowry would fall to him."⁵ He condemned to temporary exile the woman who, by practising abortion, deprived her husband of the hope of children.⁶

¹ . . . *Ut alienum laqueum (scilicet) ex juris rigore* (*Digest*, xxiv. 1. 32 pr.). It was on a special point, namely, of gifts between married persons; but the same spirit is found in other rescripts. In one of Alexander Severus we read: *Quia a D. Antonino, patre meo et quae a me rescripta sunt, cum juris et aequitatis rationibus congruunt* (*Code*, ii. 1, 8).

² *Milior lex erit sequenda* (Ulpian, *Digest*, xlviii. 19, 32).

³ *Digest*, xiv. ii. 13, 12.

⁴ *Digest*, xxxvii. 14. 4, and xlviii. 4. 9. In speaking of this rescript, Marcian uses the expression: *bona rursus rescripta*.

⁵ *Digest*, l. 2, 2, sec. 2; *Ne patris nota julius macularetur. Ibid.* l. 2, 6; *Non impedienda capitalis accusatio adulterii*.

⁶ *Digest*, xlix. 14, 2 c.

⁷ *Digest*, xlvii. ii. 4.

To sell a statue of the Emperor or to strike it with a stone was a *crimen majestatis* which had cost many men their lives: Severus authorized the sale of unconsecrated statues, and admitted the excuse of accident.¹

No sentence was to be pronounced against an absent man, equity forbidding that a judgment should be given until both sides had been heard.²

If the accuser should desist, he was forbidden to resume his accusation.³ The same is the law in France when the prosecuting officer abandons the case.

The accused person was to be brought before the judge of the place where the crime had been committed.⁴ There also he was to suffer the penalty;⁵ so that the witnesses of the offence might also witness the expiation: and modern law makes the same provision.

In the case of banishment, the penalty existed after death, and the corpse of the criminal was condemned also to be exiled from the paternal tomb. Severus did not repeal this law, but he frequently granted a dispensation from it.⁶

Wards were often robbed by faithless guardians, and he prohibited the latter from alienating the property of minors without authorization from the urban praetor or the governor.⁷ We have similar prohibitions.

Let us also remember to his honor the rescript which allowed the Jews to be candidates for municipal honors without renouncing their religion.

It is not certain that Severus greatly ameliorated the condition of slaves; but at least after his time they were much more secure in the possession of the advantages they had already obtained, by the application which he made, in certain circumstances, of provisions favorable to them.

¹ *Digest*, xlviii. 4, 5, sec. 1: *crimen majestatis*.

² *Digest*, xlviii. 17, 1. Absence did not prevent, however, a favorable verdict, at least in some cases. Thus, the praetor could declare a slave free to whom livery had been given by testament, even when he did not present himself to claim it (*Senatusconsultum* of the year 182, under Commodus; *Digest*, xl. 5, 28, sec. 4).

³ *Ibid.* 16, 15, sec. 4.

⁴ *Digest*, xlviii. 2, 22.

⁵ *Digest*, xlix. 16, 3 pr.

⁶ *Digest*, xlviii. 24, 2: . . . *maiores potentioresque*.

⁷ *Digest*, xxvii. 9, 1. This important matter of wardship was regulated in all its details by an *ordinatio Severi* read in the Senate on the ides of June, 195.

It was forbidden to a master to institute an action against his freedman by reason of a fault which the latter had committed while in a state of servitude; it was also forbidden to all to reproach a woman with the wages of disgrace which she had been forced to earn before her enfranchisement; it was also forbidden to women to fight in the arena.¹

If a slave owed his liberty to a forged *codicillum*, he was to keep his freedom, but to pay twenty *solidi* to the heir.²—a decision which satisfied at the same time both law and equity, leaving to the slave the benefit of a lucky accident, and compensating the heir for the diminution of his inheritance.

The Emperor even admitted to public office the children of mixed condition: "Prevent not Titius, the son of a free woman and a father yet in slavery, from attaining the decurionate in his city."³

A man condemned was said to be *servus poenae*. What was to be the condition of the slave sent to the mines when the Emperor's pardon took him thence? The condemned man, said Severus, was the slave of the penalty: the penalty being cancelled, the man is free.⁴ The method of enfranchisement is curious, a capital sentence resulting in giving the slave his liberty! The slave's penal sentence had, it was considered, placed the state in the master's position towards him, and the master could not recover his rights by the fact that the Emperor had pardoned the *servus poenae*. This was a rigorous application of principles already established, which probably had been sometimes violated; and the

¹ *Digest*, iv. 4, 11; iii. 2, 24; *Dion*, lxxv. 16.

² *Digest*, xl. 4, 47.

³ *Digest*, l. 2, 9 pr.

⁴ *Digest*, xlviii. 19, 8, sect. 12. This rescript belongs to the reign of Caracalla, who in his civil laws followed out the spirit of his father's legislation. Ulpian, who reports this rescript, adds: *Rectissime rescriptum*. Alexander Severus applied the same principle to the son, who, under similar conditions, was set free from the *patria potestas* (*Code*, ix. 51, 6). The following are also rescripts of Caracalla: The slave cannot be enfranchised until after he has given account of his stewardship (*Digest*, xl. 12, 34; see p. 7 of this volume). The patron who does not maintain his freedman loses his rights over him (*Digest*, xxxvii. 11, 5, sect. 1; this rescript is possibly of the reign of Alexander Severus). Banishment involved the confiscation of property. Two persons about to be exiled, a son and a mother, asked permission to levy each upon his and her individual property, which was about to be taken from them, enough to secure, the mother to the son, and the son to the mother, the bare necessities of life (*Code*, lxxviii. 1, 1). "I cannot change a law," the Emperor replied, "but your request is a pious one; it shall be done as you desire" (*Digest*, xlviii. 22, 16). He condemned to be beaten with rods and sent into exile for three years those who pillaged shipwrecked persons (*Digest*, xlvii. 9, 4, etc.).

Emperor, being asked for his opinion on the subject, confirmed them anew.

The prefect of the city had now the entire criminal jurisdiction in Rome and as far as the hundredth mile, excepting over senators.



SEPTIMIUS SEVERUS (MUSEUM OF THE LOUVRE).

who were amenable to the Senate. Severus ordered this officer to receive the complaints of slaves against their cruel or profligate masters, and to keep watch that none should be compelled to a life of shame.¹

¹ . . . *Officium præf. urbi datum . . . ut mancipia tucatur, ne prostituantur* (*Digest*, i. 12, 1, sect. 8). . . . *Ut seruos de dominis querentes audiat si sacritium, si duritiam, si famem,*

It was not unfrequently the case, especially in the army, that a slave belonged to several masters at once. Severus decided that if one of the latter enfranchised the slave owned in common, the co-proprietor or proprietors should be obliged to sell to the slave their share at a price fixed by the praetor, so that he might thus obtain his full liberty. This rule lasted until the time of Justinian. Contrary to Hadrian's rescript, Severus did not allow the common slave to be put to the torture in case of a prosecution of one of the masters: and calling to mind that the law did not permit, save in certain defined cases, confessions against the master to be wrung from slaves by torture, he added: "Much less should their denunciations of their masters be received."¹ This principle of domestic discipline had been so often violated under the bad Emperors that the restoration of its legal authority was entirely due to Severus.

In fiscal prosecutions it had been usual to compel the accused person to prove that his fortune had been legitimately acquired; Severus decided that it was the business of the informer to prove the justice of his accusation. This also is one of the rules of our legislation. Lastly, he uttered this principle, that whenever there were doubts in regard to the meaning of the law, precedents should be examined, or custom, which in such case should have the force of law. Local custom, therefore, had not been abolished at the beginning of the third century.²

Severus, who took pleasure in directing the law towards milder constructions, was rigorous towards all forms of disorder. He increased the severities of the Julian law in respect to cases of adultery. — but without great profit to public morals, which cannot be corrected by articles of a code.³ But neither was he indulgent towards his own interests; he rejected any legacy where the simplest

qua eos premant; si obscœnitatem in qua eos compulerent vel compellant (ibid.). The slave, however, could not publicly accuse his master. Severus wished to constrain the latter to humanity, while not destroying domestic discipline (*Digest*, xlix. 14, 2, sect. 6). An ordinance of Commodus had decreed that the enfranchised person who did not come to the help of his patron in sickness or destitution should be given back into slavery (*Digest*, xxv. 3, 6, sect. 1). In article 12 of the *Digest*, book i., Ulpian gives a summary of the letter of Severus, which is, so to speak, the constituent charter of the urban prefecture.

¹ *Code*, vii. 7, 1; *Digest*, xlviii. 18, 17, sect. 2; *ibid.* sect. 3; *Plurimum seruum in nullius caput torqueri posse*; *Code*, ix. 14, 1; *Digest*, xlviii. 18, 1, sect. 16.

² *Digest*, xlix. 14, 26; *ibid.* i. 3, 38; see p. 47 of the present volume.

³ When he became consul, Dion found three thousand accusations entered on the lists.

formality had been omitted, using those words which are so honorable in the mouth of an absolute ruler: "It is true that I am above the laws; but it is with and by the laws that I desire to live."¹

The law forbade public officers to take a wife, or even suffer their sons to marry, in the province where they were on duty. However, marriages of this class occurred from time to time. To prevent all pressure upon provincial families in case these unions had been prompted by selfish motives, Severus decided that an official who had taken to wife a rich heiress living in his province should not inherit from her.²

Billeting of military and civil functionaries was a burden to the provincials, and often there was much abuse under this head; Severus therefore directed the governors to observe the rules strictly.³

Many of these provisions were not new, but Severus made them his own by repeating them; and some of them prove that the Roman world was steadily effecting by itself the greatest social evolution of antiquity,—the slave ceasing to be a thing, and becoming a person.

We must notice, on the other hand, the decline of the municipal *régime* which was now beginning. The kind of heredity established by Augustus in respect to the Senate at Rome had by degrees extended itself over the Empire. The sons of decurions, doubtless in limited number, *prætorati*, sat in the local senate, but did not vote until after their twenty-fifth year and after having occupied some public office, and when death or some sentence of punishment had made a vacancy.⁴ Paulus, one of the Emperor's council, wrote about this time: "He who is not a member of the curia cannot be appointed duumvir, because it is forbidden to plebeians to aspire to the honors of the decurionate." On the other hand, his eminent contemporaries, Ulpian and Papinian, admitted that a man of the people might arrive at the Senate, not by the *lectio*, which no longer made the quinquennial duumvir, but

¹ *Illi legibus subici sumus, attamen legibus vivimus* (Last, ii. 17, sect. 8).

² *Digest*, xxxiv. 9, 2, sect. 1, and xxxiii. 2, 57, 63.

³ *Ibid.* i. 16, 4, *proem.*

⁴ At Canusium, in 223, there were twenty-five *prætorati* to a hundred decurions (Papinian, in the *Digest*, l. 2, 6, sect. 1).

by the *cooptatio*. But for these authorities also the sons of the decurions formed a privileged class.¹ We are at a period of transition, therefore, when the early liberties were becoming effaced without having completely disappeared. The curia is not yet shut against new men, but the municipal aristocracy draws its lines closer every year, and the movement of concentration is accelerated. Already Ulpian is of opinion that the decurion who abandons his city should be brought back to it by the governor of the province, that he may fulfil the duties which are incumbent upon him;² and Septimius Severus prescribed to all his agents to act with extreme circumspection in the imposition of new municipal taxes, and to his proconsuls and his legates to keep rigorous watch over public works and over illegal associations.³ "There is nothing in the province," says the counsellor of Severus, "which cannot be executed by the governor."⁴ Centralization was gaining at the expense of local vitality. But later we shall see it was less the rulers who encroached than the towns which made the encroachments necessary.

As we read all these rescripts, — and there are many others of which I have not spoken, — we are forced to acknowledge that if Septimius Severus was not the reformer for whom the Empire had been looking since the death of Augustus, he was at least a ruler attentive to the needs of the time.

Of all these needs the most imperious — since the horrible confusion which began under Commodus, and continued five years after the close of his reign — was public order. To have done with civil wars, with military revolts, with armed brigandage, and to put every man and everything in the proper place, required no common energy; and this energy Severus possessed. "He cor-

¹ *Digest*, l. 2, sect. 2, and 7, sects. 2-7.

² *Digest*, l. 2, 1. Rescripts of Severus exist forbidding the cities to lay too heavy burdens on the rich, but also to constrain to the execution of their promises those who had made a formal engagement to construct some work of public utility or decoration (*Digest*, l. 12, 6, sects. 2 and 3); in respect to the recall of the doctor or professor appointed by the city (*Digest*, xxvii. 1, 6, sects. 6, 9, and 11); concerning the age requisite for municipal office, from twenty-five to fifty-five years (*Digest*, l. 2, 11); in regard to peculating magistrates (*Digest*, iii. 5, 38); on the extent of the responsibility of the magistrates' surety (*Code*, vi. 34, 1, etc.).

³ *Code*, iv. 62, 1; Ulpian, in the *Digest*, i. 16, 7; *ibid.* i. 12, sect. 14, and Marcian, *ibid.* xlvii. 22, 1.

⁴ *Nec quicquam est in provincia quod non per ipsum expediatur* (*Digest*, i. 16, 9, 1).

rected many abuses," say Spartianus and Aurelius Victor;¹ "he was terrible to the wicked," says Zosimus; according to Herodian, he re-established order in the provinces; and all agree that he was unsparing towards governors who were found guilty.² "since he knew that the great robbers produce the less."³ An Egyptian prefect, accused of counterfeiting, suffered the penalties prescribed by the old Cornelian law *de falsis*. But Severus avoided having frequent occasion to punish, by taking great care to choose wisely, — which is for a sovereign the art *par excellence*, — and then by loading with honors those who fulfilled their duties worthily.⁴

Herodian and, following him, modern authors, reproach Severus with a relaxation of discipline, — a strange charge against a man like this. It arises from a remark brought back by Dion⁵ from Britain, but very possibly fabricated at Rome. On his death-bed the Emperor is reported as saying to his sons: "Enrich your soldiers, and you can defy everything." It was brutally said, and the very brutality of the phrase has made it famous. But who overheard this dangerous secret whispered by a dying man? Still, the words, like many other pretended historic sayings, have a certain truth, if they are reduced to the simple terms of what may well have been the Emperor's conviction: "Keep the army content, that it may be devoted to you," — that is to say, pay your soldiers well, and honor them, for they are the one power in the state. What he thus advised, he had himself done, giving to the generals immense estates; to the praetorian tribunes exemption from acting as guardians, even in the case of their comrades' children: to the veterans freedom from personal obligations towards their city;⁶ to the legionaries larger pay, a ration of better corn, more frequent largesses, and the right of wearing the gold ring, — a mark of honor which thereafter

¹ *Implacabilis delictis* (Spart., *Sev.* 18). . . . *Ne parva latrocinia quidem impunita patiebatur* (Aur. Vict., *De Caes.* 20).

² *Accusatos a provincialibus iudices, probatis, rebus, graviter punivit* (Spart., *Sev.* 8).

³ Aur. Vict. *De Caes.* 20.

⁴ *Digest*, xlviii. 10, 1, sec. 4. *Ad erigendos industrios quosque judicii singularis* (Spart., *ibid.* 18). . . . *Homo in legendis magistratibus diligens* (Capit., *Alb.* 3). *Strenuum quonque praemiis extollebat* (Aur. Vict., *De Caes.* 20).

⁵ Herod., iii. 25: Dion, lxxvi. 15: *τάδε λέγεται τοῖς παῖσι εἰπεῖν*. Later Alexander Severus said: *Miles non timet, nisi vestitus, armatus, calceatus et satur et habens aliquid inconvicta* (Lamp., *Alex.* 52).

⁶ *Digest*, xxvii. 1. 9. *A muneribus quae non patrimonii indicuntur veterani . . . perpetuo excusantur* (*Digest*, l. v. 7). In respect to the *materia*, see above, p. 67, note 1.

made part of the uniform. The depreciation of the precious metals and the need of attracting the Roman population into the army made these measures necessary. Modern nations act in the same manner in respect to pay and rations and the military medal, without any idea of corrupting the troops thereby. And these expenses did not exhaust the treasury, for the finances of the Empire were never in a more flourishing condition.¹ Herodian says further that he authorized the legionaries "to dwell with their wives."² This was a measure of morality. Since the establishment of permanent armies it had been the rule that the soldier should not marry. "The law does not permit it," says Dion; "to certain veterans the Emperor gives the right to contract legitimate marriages," adds Gaius,³ designating the soldiers who obtained the honorable discharge. In the beginning of the third century Tertullian refers to this principle.⁴ But the worst results followed: profligate women followed the armies, and in the villages which by degrees gathered about the encampments were countless families which the law did not recognize.⁵ The Emperor, who had increased the severity of the penalties against adultery, was extremely dis-

¹ We have the proof of this in the immense resources which were allowed to remain in money (Herod., iii. 49, and Spart., *See*. 12: *Edes suis . . . tantum reliquit quantum notius imperatorum*), and in supplies of all sorts. Severus established the rule, or perhaps renewed it, following Trajan (Lamp., *Elag.* 26), that there should always be seven years' supply of corn in Rome: this was better than the old French *greniers d'abondance*, but from the economic point of view it was a very bad measure.

² *γαμίζεσθαι τοις ἀνδράσιν* (iii. 8). Marriage is permitted in the English army, but with restrictions which greatly reduce the disadvantages of this custom. Those designated as "non-commissioned officers holding the rank of first or second-class staff-sergeant," etc., may marry. Among the non-commissioned officers three out of four or five, four out of six or seven, six out of ten, according to the grade, and among the soldiers 4 per cent (formerly 7), can obtain this permission. These married couples have a right to a furnished room in barracks, the wife and children receive half and quarter rations, or, when the family does not accompany its head into the colonies, an indemnity of sixpence a day for the wife, and twopence for each child (Circular of the War Office, April 1, 1871). These expenses of pay and lodging are possible in the case of a small army like the English; but they would have imposed tremendous burdens upon the Roman government, especially since the authorization granted by Severus did not contain these unjust restrictions which, in the English army, make marriage a premium granted only to one soldier out of twenty-five.

³ Tac., *Ann.* xiv. 22; Dion, ix. 24; *Inst.* i. 57. The veterans of the legions had no need of this authorization, being all citizens; but it was necessary for the veterans of the auxiliary troops, who were not so.

⁴ *De cast.* and *C. inst.* 12.

⁵ When the soldiers in the camp of Emesa rose in insurrection against Macrinus they called in their wives and children from the adjacent towns to shelter them behind the fortifications of the camp. Many of these families had been legitimated by Severus.

pleased at this immorality. He legalized the custom, granting the legionaries permission to contract legitimate unions.¹ Domitian had already granted to the veterans, without discharging them, the *jus connubii*. The soldiers took advantage of this new right to establish their families near the camps and to live with them: from this resulted disadvantages which a firm hand and some simple regulations of the service would have prevented. Severus possessed the necessary firmness; but his successors did not, and the discipline of the army was impaired.

The religious observance of the military oath, to which the armies of Trajan and Hadrian were still faithful, had been much weakened at the accession of Severus. We have seen under Commodus the insurrection of the legions of Britain; upon his death, of the praetorians; and later, of all the armies. Severus himself in the beginning had to subdue in his own camp two seditions; in Rome, a third;² and a fourth, in the province of Arabia. He restored discipline by setting an example of military virtues: at Lyons he fought as a common soldier; in Mesopotamia, when the army suffered from thirst, and would not drink the foul water of a marsh, in sight of all men he drank a great cupful of it.³ Furthermore, he would not allow a fault-finding spirit to make its way among the troops: a tribune of the praetorian cohorts expiated by death some cowardly words.⁴ Finally, he banished disorder and indolence from the camps. More than one governor, it is probable, received from him a letter similar to this which he one day sent to a legate in Gaul: "Is it not a disgrace that we cannot imitate the discipline of those whom we have conquered? Your soldiers roam about the country, and your tribunes are at the bath in the middle of the day. . . . They eat in taverns, and sleep in houses of debauchery. They spend their time in revelling and drinking and singing; their whole occupation is gluttony and

¹ The wives of soldiers who had accompanied their husbands, absent on service for the state, were not debarred from prosecuting a claim when they had exceeded the period of delay allowed by the law before bringing an action. (Rescripts of the year 227. *Code*, ii. 52, 1, 2.) At this date the legal condition of the soldier's wife was therefore well established, and the rescript of Severus was in full force.

² Spart., *Sev.* 7 and 8. On the day after his entry into Rome, at the Red Rocks, and at Atræ.

³ Dion, lxxv. 2.

⁴ See p. 508. He sent back into exile the deserter who after five years ventured to return (*Digest*, xlix. 16, 13, sect. 6).

drunkenness. Should we see such things if any regard for the ancient discipline prevailed? Let the tribunes be first corrected, and then the soldiers. So long as you fear them, they will not fear you. Niger must have taught you this: to have the soldier obedient, the officers must be worthy of respect.”¹

These last words do honor to the man who spoke thus of Niger after having conquered him; but, in the presence of this letter, what becomes of the charge that Severus neglected the discipline of the army? A cowardly or indolent ruler may let the reins hang loosely; but never did a general whom five years of war had placed in possession of the supreme power feel that disorder in the camps was an advantage for him, and Severus, who so energetically maintained civil discipline, must have been least likely of all men to feel this. An ancient writer² expressly bears him witness that he established excellent order in the armies; and Dion proves this when he shows the troops in insurrection against Macrinus because the latter sought to enforce anew the military regulations of the first African Emperor.

Severus increased the army by three legions, to which he gave the name Parthicae. The First and Third of these guarded the new province of Mesopotamia; the Second — composed, no doubt, of soldiers on whose fidelity the Emperor could specially rely — was, contrary to usage, brought back to Italy and quartered near Albano,³ to keep perpetually before the Romans the memory of the Eastern victories, and also to be a trustworthy reserve in case of a popular riot or some praetorian sedition. Severus could certainly rely upon his new guard; but he was too prudent to forget the part this corps had played in the recent catastrophes, which brought back earlier ones to his recollection. The Second Parthica was a precaution against the possibility of a surprise. Herodian says, however, that he quadrupled the number of the praetorians; this is not at all probable, and could not have been done without seriously disturbing the whole military organization of the Empire. Dion and Spartianus say nothing of it, and we shall follow their example.⁴

Was it the Emperor who employed Menander, a member of

¹ Spart., *Nig.* 3.

² Zosimus, i. 8: . . . διαθείς ἐπιμελῶς τὰ στρατόπεδα.

³ Dion, iv. 24; Henzen, *Annales de l'Inst. archéol.* 1867, pp. 73–88.

⁴ The author has discussed this question in the *Revue archéol.* of 1877, pp. 299 *et seq.*

his council, in writing four books *de Re militari*;¹ that is to say, preparing a sort of military code? We can at least believe that he encouraged this enterprise, and we know that later it was common to speak of “the regulations of Severus in regard to the army.”²

In the number of his military measures we may count the division of certain of the provinces which were too large. Serious wars had lately sprung up in Syria and in Britain: he divided each of these countries into two commands; he did the same in Africa, where Numidia, comprised since 25 B.C. in the proconsular province of Africa, formed finally a province by itself.⁴



THE SEPTIZONIUM.³

At Rome the Emperor kept the people content and peaceable by largesses, amounting in his reign to the sum of two hundred and twenty million denarii, and by the regularity of the distributions. In his time the state granaries had always corn enough

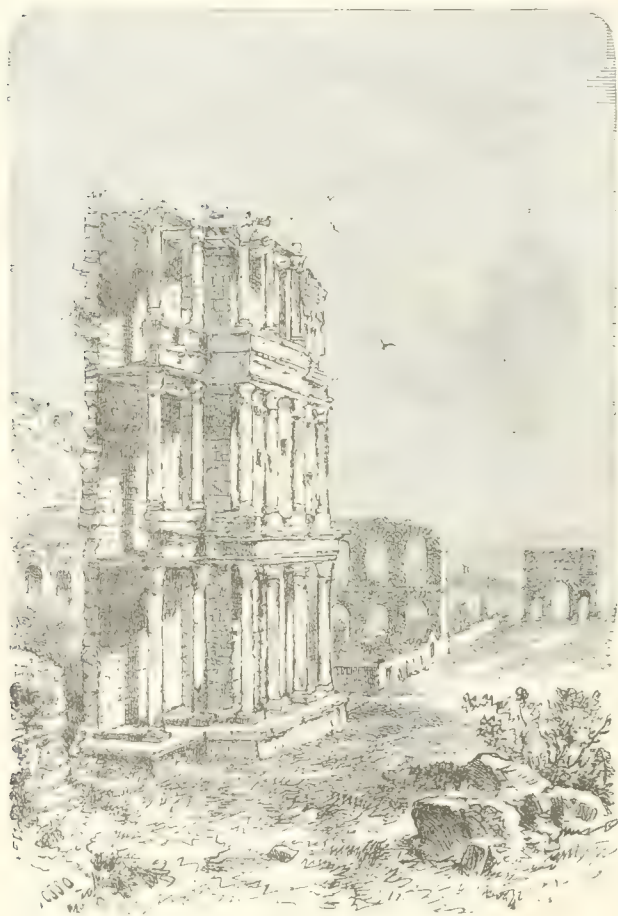
¹ This work of Arrius Menander seems to have been more important than those of Paternus, prepared in the time of Commodus, and of Maecr under Caracalla; for it is from Menander that the *Pandects* most largely borrow. Cf. *Digest*, xlix. 11.

² Dion, lxxviii. 28.

³ Restoration by Canina.

⁴ See the Memoir of L. Renier upon the inscription of Velleius Patereulus in the *Comptes rendus de l'Acad. d'Inscr.* for 1876, p. 431, and Marquardt, *Handb.* iv. 319.

for seven years, and oil for five. He built a great temple to Bacchus and Hercules; hot baths, of which nothing now remains; and the Septizonium, — a portico with seven stories of columns, which would have given to the palace of the Caesars a vestibule, perhaps



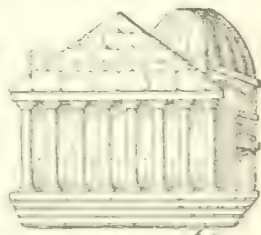
RUINS OF THE SEPTIZONIUM.¹

magnificent, certainly singular, upon the Appian Way, if the augurs had not declared that the gods forbade changing the entrance to the Palatium. For himself he built upon the slopes of the Janiculum, where now stand the Palazzo Corsini and the Farnesina, a villa whose gardens descended to the Tiber and reached to the top of the hill. A gate opened near this spot, in the wall of Aurelian, still bears this Emperor's name, — the *porta Settimiana*. Severus also repaired all the public buildings which had suffered injury, among others the Pantheon of Agrippa² and the theatre of Ostia. Dion is of opinion that the Emperor expended

¹ Canina, *Storia et topogr. di Roma ant.* vol. v., *Gli edif. di Roma*, pl. 267. As late as the sixteenth century some ruins of this portico were in existence, which were seen by Dupérac and designed in his work, *Delle Antichità di Roma*, pl. 13. Cf. *L'Antichità di Roma*, by V. Scamozzi, 1583, pl. 23 and 24. Some of the columns of the Septizonium were employed by Sixtus V. in the Vatican. Cf. Montfaucon, *L'Antiquité expliquée et représentée en figures*, v. 122. He believes that the structures forming the immense ruins of Rabbath-Ammon on the sterile plateau of Moab, and those of Er-Rabbah, are of the same date.

² *Pantheon vetustate corruptum cum omni cultu restituerit* (C. I. L. vi. 896).

too much money in these works; but public constructions are a necessary, and at times an honorable, expense, and the economy that Severus insisted upon in the palace permitted him to spend large sums for useful purposes. There still exist some interesting remains of the little arch which the money-changers and merchants of the *Forum boarium* erected, and many fragments have been found of a plan of Rome which appears to have been engraved on tablets of marble in this reign; the whole size of the plan must have been over three hundred square metres.²

AGRIPPA'S PANTHEON.¹

The provinces felt the benefits of this liberality. We have seen what was done at Byzantium, Antioch, Alexandria, and throughout Egypt.



Front.



Back.

ALTAR FOUND AT OSTIA.³

In Syria the Emperor built at Baalbec (Heliopolis) the temple of Jupiter, at the right of the hillock on which, upon the site of an enormous sanctuary built there by the Phoenicians at a remote period, Antoninus had erected a temple to the Sun. The ornamenta-

¹ Souvenir of the Restoration of Agrippa's Pantheon in the year 202. From an engraved stone (amethyst) found at Constantine. (*Gazette archéol.* of 1880, p. 92.)

² Jordan, *Flora Urbis*, with illustrations. See later the Arch of the *Forum boarium*.

³ Altar found in 1880 on the site of the theatre of Ostia, rebuilt by Septimius Severus (*Notizie degli scavi di Antichità*, May, 1880, and April, 1881).

tion of this work marks with its lavish profusion, as does the Septimian Arch at Rome, the decline of decorative art. The architects of that time had no longer the calm serenity of the early masters. Their imagination had run wild, and they tormented their materials as the philosophers of the time tormented theirs. This period, which strove to make everything colossal, had lost the power of building with simplicity because it had lost the feeling of true greatness. But seen from a distance, what a magnificent whole is formed by these vast edifices of Heliopolis, whose mere ruins oppose to the threatening grandeur of the desert an image of the prodigious activity of the men who once filled these solitudes with motion and noise and wealth!

“Many other cities,” his biographer adds, “owe to him remarkable public edifices.”¹ Carthage, Utica, and Leptis Magna received from him the *jus Italicum*, or exemption from the land-tax.² The last-named of these cities was his native place: he probably did not fail to embellish it; but no trace is left of any such works, nor of his paternal house, carefully preserved by the city, and in the sixth century rebuilt by Justinian.⁴ Severus had provided against the most urgent need, in compelling, by military executions, the nomadic tribes who desolated these regions to respect its frontier. In gratitude for the security thus restored to it, the province made an engagement, which it kept up to the time of Constantine, to furnish to Rome every year a fixed quantity of corn and oil. “To the Africans,” says his biographer, “Severus was a god.” The arch of triumph of Thevesta (Tebessa), finished under Caracalla in 214, had been begun in honor of his father.⁵

LARGE BRONZE.³

Severus adopted for the provinces some of the regulations proposed by Niger to Marcus Aurelius, and made certain others him-

¹ Spart., *Sev.* 23. Zosimus says also: “He adorned a great number of cities,” and Eutropius (viii. 8): *Multa toto Romano orbe reparavit.*

² *Digest*, l. 15, 8, sect. 11. We have seen already what he did for the cities of Syria.

³ Reverse of a coin of Septimius Severus struck at Carthage. Cybele seated on a lion. The coin here given bears the legend: *Indulgentia Augg. in Carth.* But we know not in memory of what favor granted to this city the coin was struck (Eckhel, vii. 183).

⁴ Procop., *De Aedib. Justin.* vi. 4.

⁵ Inscriptions, whose number increases yearly, proves the active impulse given by Severus to public works in Roman Africa. See Renier's *Inscr. d'Alg.*, and many numbers of the *Bull. de corr. afr.*

self which showed his care to prevent even the smallest abuses: he prohibited any man, taking a wife in a province where he held office, from receiving anything from her by will;¹ he forbade the soldier to buy property in the district where he was in service,



RUINS OF THE ARCH OF THE VESTA.

and the governor to allow military or civil quarterings to become a burden to the provincials.² Lastly, he completed for the benefit of the cities the reorganization of the imperial post which Hadrian had begun.³ Ulpian has preserved for us one of the rescripts

¹ *Digest*, xxxiv. 9, 2, sect. 1.

² *Digest*, xlix. 16, 9; *ibid.*, xxxiv. 9, 2, sect. 1; xlix. 16, 9, and 1, 16, 4 pr.: . . . *Ne in hospitibus praebeendis onerit provinciam.*

³ Spart., *Sev.* 4. The extent of the reform made by Severus is not known. Augustus had organized this service, *vehiculatio*, and imposed on the landowners heavy burdens, from which Nerva exempted Italy. Trajan developed this institution and corrected the abuses which had been caused by too easy concession of rights of travelling. The assistance furnished by the cities remained, however, considerable, although it appears that magistrates using the *census publicus* had to pay something, since Hadrian released them from this: *Ne magistratus hoc onere gravarentur* (Spart., *Had.* 7). Antoninus introduced some relief, and Severus granted at

in which the legislator did not disdain to be epigrammatic. The Roman world was very fond of presents; many and forced ones had been made to the governors under the Republic, and some were still offered to those of the Empire. Consulted by a governor on this subject, Severus replied to him: "An old Greek proverb says, 'Neither everything, nor always, nor from all;'" and the Emperor added: "Always to refuse would be uncivil; invariably to accept is contemptible; to take everything would be the extreme of avarice."¹ One thing, however, was worth more than the best rescripts, — good governors; and the old authors all acknowledge that he took care to make excellent selections. One of them, the prefect of Egypt, having been guilty of an offence, was sent into exile.²

The soldiers meanwhile continued, wherever there was need, to be employed in peaceful labor; but, while using the pick and the trowel, still keeping the sword close at hand.³ Accordingly, tranquillity was never once seriously interrupted at the foot of the Atlas, nor on the banks of the Rhine, the Danube, and the Tigris. In the presence of this vigilant ruler, whose hand was so heavy, the Barbarians remained timid and quiet. During this reign we find soldiers posted throughout all the provinces to hunt down the bandits of the neighborhood.⁴ Was this an original measure of this Emperor, whom his biographer calls "the enemy of robbers in all places?"⁵ The long impunity of brigands in Spain and Gaul and Syria, and even in Italy itself, in the time of Commodus and during the period of the civil wars,⁶ proves that, even if such a measure had been adopted before the time of Severus, it had fallen into neglect, and needed to be again enforced. This ruler, implacable in respect to disorder, must surely have desired that security

the expense of the imperial treasury a reduction by which those profited who had the duty of collecting these taxes: *Vehicularium munus a privatis ad fiscum traduxit* (Spart., Sev. 14). But after his time the whole expense fell upon the municipalities.

¹ *Digest*, i. 16, 6, sect. 3: *Quam rem (seniorum) D. Sev. et imp. Ant. Elegantissime epistula sunt moderati*, etc.

² *Digest*, xlviii. 10, 1, sect. 4.

³ Cf. Or-Henzen, 905 in Syria; 937 in Rhaetia; 3,586 in Lower Germany; 4,987 in Pannonia, near Buda; 6,701 in Britain; in Africa, the *via Septimiana* constructed by the Third Augustan legion (L. Renier, *Inscr. d'Alg.*, No. 4,361, etc.).

⁴ Tertull., *Apol.*, *Latronibus vestigandis per universas provincias militaris statio sortitur*.

⁵ . . . *Latronum ubique hostis* (Spart., Sev. 18).

⁶ *Digest*, i. 12, 1, sect. 4; xlviii. 19, 8; xxii. 6, sect. 1.

should be as well guarded in the interior as on the frontiers. In view of rendering the repression more prompt and energetic, he decided that the prefect of the city should have cognizance of all crimes committed in Italy, with power to sentence to the mines or to deportation.

III.—SEVERUS IN BRITAIN; HIS DEATH (208-211 A.D.).

To keep his sons at a distance from the dangers of Rome, Severus himself resided there but seldom. He made long sojourns in his Sabine and Campanian villas: but his endeavors to subdue these fiery natures were fruitless. Geta, as well as Antoninus, rushed madly into pleasure. Both fled the learned society with which their mother surrounded herself, and their father's grave friends, to seek the company of gladiators and charioteers of the circus. Even in their sports they hated each other with bitter rivalry. One day, on the race-course, they disputed so hotly for victory that Antoninus was flung from his chariot and had his thigh broken in the fall. Severus resumed the cuirass, and took them away with him into Britain (208).¹

There could not have been, at that extremity of the Empire, perils so serious that, to abate them, the old Emperor—gouty and infirm—should be obliged to undertake so long a journey and to remain absent for so considerable a time. The legions of Britain had long been able to restrain these mountaineers, poor, and necessarily few in number, in their sterile districts. But he doubtless felt it necessary to withdraw his sons from the influence of dangerous companions, as well as to keep his legions employed. This man, whose own fortune had begun in the camps, now, late in life, returned thither, hoping to make the fortune of his sons secure. Julia Donna and Papinian accompanied him. There was not a single battle fought, for Fingal and Ossian, the legendary heroes, did not come forth against the Roman Emperor from their rustic palace of Selma: nevertheless he lost many troops in surprises, the chief form of warfare of these savages. But their densely

¹ Coins of the year 208 bear the legend: PROF. AVGG.

wooded hills, over which an army could advance only by cutting its way by the axe, and their marshes, whose yielding soil required a whole forest to be thrown into it, did not prevent the heavily

armed legions from reaching the extremity of the island, where these men of the South beheld with amazement days that were almost without intervening night.

Severus remained three years in this country, where the enervating luxury of Italy was a thing unknown. After the victory over Albinus he had divided it into two provinces, that the action of the imperial government might be more effectual there, and the influence of the governors less to be dreaded. Geta—now made Augustus and invested with the tribunitian power—administered the southern province; Antoninus led the army in the North and negotiated with the Caledonians; while the Emperor, established in the city of York, superintended his soldiers' restoration of Hadrian's wall.²



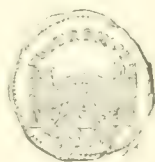
GETA IN A TOGA, WEARING THE BULLA.¹

In 210 the submission of the Barbarians seeming to be secured by a treaty which obliged them to yield a part of their territory, Severus added to the titles commemorating his Oriental victories that of Britannicus, which Antoninus also took. In memory of this last triumph of the African conqueror, the Senate caused a medal to be struck representing two Caledonians bound to the trunk of a palm-tree.

¹ Marble statue in the Grey collection (Clarac, *Musée*, pl. 966, No. 2,486A).

² *C. I. L.* vol. vii. No. 312c, and pp. 99 *et seq.* See Vol. V. p. 338, note 3. Spartianus is the first author who speaks of a wall constructed by Severus to the north of Hadrian's wall,—an opinion now abandoned.

While Severus designedly lingered at this extremity of the Empire, the idlers around Lake Curtius imagined news at will. Sometimes the story ran that a Barbarian woman—extremely well informed, it appears, in respect to Roman life—had given a lesson to Julia Domna, contrasting with the depravity of the Roman ladies the far too virile manners of the women of Caledonia. Now it was a little drama, in which the Emperor was the actor, and the soldiers the audience. His eldest son had sought to gain over the troops; the sedition being quelled, the Emperor had caused himself to be borne to his tribunal, and had said to the mutinous soldiers, who now implored his clemency: “Do you see at last that the head commands, and not the feet?”² He was represented as uttering specious platitudes, suited to a monk, but quite out of place in the mouth of a ruler who had not begun to take account of the compensations of the other world: “I have been everything, and nothing is of value:” or these words, perhaps more truthful,

GOLD COIN.³

addressed to the urn which was to contain his ashes: “Thou shalt hold that which the world itself has not been able to hold.” Some related that to make an end of cruel suffering he had asked for poison, which was refused him; others, that his eldest son had

BRONZE COIN.⁴

endeavored to persuade the physicians by that means to take the old man's life. But a secret poisoning does not afford proper tragic effect. More expert story-tellers showed Caracalla riding up one day behind his father with drawn sword ready to kill him. Severus, warned by the cries of horror of his escort, looks around; he sees the naked weapon, and the would-be

paricide dares not complete his crime. Then we have contradictory

¹ A little grove which was a rendezvous of the *astelliones* (Placidius, II. v. 1), the “reporters” of the time, . . . *garruli* . . . *supra Lacum* (Plautus, *Curcul.* IV. i. 16).

² The epigram became famous; we meet it again sixty-four years later in an official document, the proclamation of the Emperor Tacitus: *Acclamations Senatus*: . . . *Severus dixit, caput imperatoris, non pedes*.

³ Coin of Septimius Severus, representing the bridge over the Tyne. P. M. TR. P. XVI. COS. III. PP. Bridge ended on each side by a tower with four columns; under the bridge, a vessel.

⁴ Coin commemorative of the victories of Severus in Britain. VICT. BRIT. P. M. TR. P. XIX. COS. III. PP. SC. Two Victories placing a buckler on a palm-tree, under which are seated two captives (Cohen, No. 641).

scenes, such as the declaimers of the time delighted in. In one, Severus, in his tent, deliberates with his prefects whether the guilty son shall be put to death; in another, he calls for Caracalla, gives him a dagger, and says: "Strike, or bid Papinian strike; he will obey you, for you are his Emperor."

All this is very dramatic, and highly improbable. Caracalla doubtless showed an impatience to reign which obliged the Emperor to remind him that the true master was "the white-bearded king,"¹ and he was quite capable of conceiving the designs attributed to him. But if he harbored them, why did he not execute them? Nothing could have been easier for the man who in Rome itself murdered another Emperor, his brother, in their mother's

arms. At sixty-six years of age, Severus, long the victim of a distressing disease, was at his life's end, and Caracalla had no need to hasten the work of destruction which Nature was accomplishing. But the great idle city welcomed whatever could amuse it; and the imagination easily created in those remote regions tragic adventures which, after the murder of Geta, appeared to all men to be realities.

To these doubtful legends we shall prefer the truly imperial words of the old Emperor: "It is to me a great satisfaction to leave in profound peace the Empire, which I found a prey to dissensions of every kind;" and

the characteristic order given in his dying moments: "Go, see if there is anything to be done." Chateaubriand says in his *Études historiques*: "The officer of the guard coming in to obtain the



JULIA DOMNA.²

¹ . . . *Incantaque menta*
Regis Romani . . . VERGIL, *Aeneid*, vi. 810.

² Cameo in agate onyx (two layers), pendant of a necklace found in 1809 at Naix (Meuse), the ancient Nasium, capital of the Lenci.

countersign for the day, the Emperor gave him this: "Let us work; and with that fell into eternal rest" (Feb. 4, 211 A. D.). This adieu to life of the valiant soldier, his last counsel to those about him, has become the motto of humanity: *Laboremus*.

Severus had written the history of his life, and doubtless, after the example of Augustus, ordered that a summary of it should be engraved on marble. At least, in the time of Spartianus such a summary was to be read upon the portico built by Caracalla.

No one of his successors down to the time of Diocletian—a period of nearly eighty years—died a natural death. That Severus did so, was due to great wisdom on his part, and it was also a great good fortune to the state; for this reign of eighteen years, thus ending peacefully, proves how thoroughly he had introduced order everywhere.

He was lacking in gentleness,—a quality charming in the individual, but often tending to weakness in the ruler. When Julian presents the Caesars in the assembly of the gods, Silenus cries out at sight of Severus: "Of that man I shall say nothing; I am afraid of his savage and inexorable temper." Severe on principle, he struck heavy blows, so that he might not have to strike often;¹ and in his autobiography—which the old writers believed authentic²—he justified his severities. But these heavy blows have resounded so far that posterity still hears them, and Severus remains the man of his name.³ Contemporaries judged differently,⁴ and he was greatly lamented. Let us read his history, remembering that the principal duty of an emperor of that century was to secure order to a hundred million men, and we shall say of him more truly even than it was said of Louis XI. of France: "All things considered, he was a king."



SILVER COIN.⁵

¹ . . . *Quo deinceps milius* (Aur. Vict., *De Caes.* 20).

² . . . *Abs se texta, ornatu et fide paribus composuit* (Aur. Vict., *De Caes.* 20).

³ *Imperator vere nominis sui, vere Portitor, vere Severus* (Spart., *Sev.* 14).

⁴ *Judicium de eo post mortem unanimum fuit . . . ac multum post mortem amatus* (*ibid.* 19) . . . *Ab Afris ut deus habetur* (*ibid.* 13).

⁵ Septimius Severus on horseback, holding a lance. Silver coin, with the legend: PRO-FECTIO AVG. (Cohen, No. 343.)

CHAPTER XC.

THE CHURCH AT THE BEGINNING OF THE THIRD CENTURY.

I. — GENERAL CONDITION OF MINDS; TENDENCY TO MYSTICISM; THE ALEXANDRIANS.

THE third century is the heroic age of the Christian society which we have seen forming in obscurity, and gaining growth in silence. At this period the Church possesses all her means of action, and the mortal struggle begins between her and the Empire. The moment has come then to measure the forces of the two combatants. We are acquainted with those of her antagonist; let us look at her own.

In an earlier chapter¹ we have shown that at different epochs the human mind takes different directions, and that there are formed, as it were, great currents of ideas, in which flows the best of the national life.² Jurisconsults and administrative officers, architects and generals, artists and moral philosophers, had been the strength and glory of Rome in the second century. In the third, the law has still eminent interpreters, but the last representative of the ancient science, Galen, has just died, and has left no successor. Art and letters, properly so called, disappear. For twelve centuries³ humanity will not hear again that hymn of beauty which Greece had sung so long, and whose echoes were

¹ Vol. VI. p. 331. the beginning of the chapter entitled "Ideas."

² Hegel has said in his *Philosophie der Geschichte*, p. 9: *Jede Zeit hat so eigenthümliche Umstände, ist ein so individueller Zustand, dass in ihm aus ihm selbst entschieden werden muss, und allein entschieden werden kann.* It is a law of history: and to be thoroughly acquainted with the special character, or what may be termed the dominant tone, of an epoch, is the first requisite of historical criticism. The influence of the environment is so great upon the intellectual life that there can be no just judgment of men and things except by replacing them in their environment.

³ On the literary poverty of the third century, see Teuffel, *Geschichte der römischen Literatur*, pp. 835-875. Of science there is no longer any question: as to the arts, see below, chap. xcv. sect. 5.

still heard in the Rome of Lucretius, Horace, and Vergil. The new spirit proscribes those earthly splendors, *tu bella et dol' memora*,¹ which man is nevertheless called to delight in. "Why did they fall?" cried the Christian writers sadly, referring to certain heretics. "Aristotle and Theophrastus are the objects of their admiration: Euclid is continually in their hands. They neglect the science of the Church for the study of geometry, and, absorbed in measuring the earth, they lose sight of heaven."² Another, scoffing at Ptolemy, — the man who was esteemed the wisest of his century, — writes with reference to the exact sciences: "O frivolous labor, which serves only to inflate the soul with pride!"³ The highest eulogium at that time was to be "diligent in divine things."⁴

This is the language heard among philosophers as well as among Christians. While the author of the letter to Diognetus condemned all learning which had not for its object the invisible world, Plotinus wrote: "Why does not man arrive at the truth? Because the soul is continually drawn away from the perception of divine things by external impressions." And it was his desire that, deaf to all worldly sounds, she should hearken only to the voice from on high.⁵ Then occurred this phenomenon, unusual in the Western world: men become oblivious of the earth, — so long the object of their love, — and lift their heads towards those ærial palaces which, in different ages, logic and feeling build in the clouds, with such magnificence or such religious terror, and of which the imagination is the sole sovereign.

The sons of old Italy — a sluggish race — would not have had these aspirations after the unknown, which are the glory of the human soul: but Italy, in her turn, experienced an invasion more terrible than that of Hannibal and of the Gauls:

"All Egypt's monsters now in Rome their temple find."

The men and the beliefs of Asia had taken possession of the land where formerly simplicity of ideas and of morals prevailed. The mind of the Orient dominated that of Rome, and the ardent soul of those visionaries from the banks of the Orontes and of the

¹ The expression is Da Vinci's.

² *Philosoph.* iv. 12.

³ ἀκούων φθέρων τῶν ἀνθ' (Encyclops, v. 12).

⁴ Eusebius, *Hist. eccl.* v. 28.

⁵ Eusebius, *Hist. eccl.* v. 19.

Nile, lacking the ballast of science, wandered at random through the thousand systems of abstract thought and philosophy. New gods were desired, and crowds flocked to the strange worship of the Syrian goddess and of Sabazius, or to the monotheistic religions of Mithra and Serapis,—the latter having a remarkably pure moral doctrine,¹ and the former presenting in its dogmas and its ceremonies more than one instance of agreement with Christianity.²



MITHRA SACRIFICING THE BULL IN THE GROTTTO.³

In this way, and along every channel, the current of the century conducted human thought towards religious questions: seductive but insoluble problems, of which some, however, must be held as demonstrated, even when a demonstration of them is impossible. As formerly in Athens men philosophized at every street-corner, now in each petty village of the Empire they dogmatize. It is the fashion to appear devout, to be called the priest of some divinity; and the municipal curiae are full of religious functionaries hitherto unknown there.⁴ In the century of Pericles,

¹ See above, pp. 528 *et seq.*

² Mithra was a *mediator* between the supreme deity and man, a representative of the love of the creator for the creature. He was also a *redeemer*, who purified souls and remitted sins. Hence Tertullian (*De Corona*, 15) attributed to a device of the Evil One those relations which he could not help recognizing between this ancient Assyrian religion and the new religion of Christ. See p. 431, note 1.

³ *Cabinet de France*, No. 2,931. Intaglio on chalcedony, 16 mill. by 20. Behind the bull is a priest, wearing, like the god, a Phrygian cap (tiara), and holding two inverted torches. Above the principal group are the sun, the moon, and the prophetic raven. Cf. the bas-relief from the Louvre, Vol. IV. p. 185, and the group from the Vatican, p. 395 of this volume.

⁴ This is seen even in the inscriptions. Among the 164 decurions of Canusium in 223, not a priest is found; while of the seventy-one names of the Album of Thanugas, in the following

on the day when the ephēbi received their arms from the state, they took this oath: "I swear never to dishonor these sacred arms, to fight for my gods and my hearth, either alone or with all, and to leave behind me my country not impaired, but strengthened." This heroic oath the ephēbi had kept at Salamis and Marathon, when they there preserved their own liberty and the civilization of the world. In the third century of our era they still took this oath, but as one repeats a prayer in an unknown tongue. The Athenian ephēbeia was now merely a religious college; and this transformation had certainly been effected in the numerous cities which had possessed the ephēbic institution.¹ The pythoness of Delphi and the prophetic oaks of Dodona, mute in Strabo's time, had

SERAPIS.²

century (from 364 to 367), we count two *sacerdotes*, thirty-six *flamens* for life, four *pontiffs*, four *augurs*. — that is, two thirds of the members who are or have been invested with religious functions. Whatever hypothesis may be adopted to explain the presence of so many priests in the curia of Thaumugaz (see *Éphéb. épigr.* iii. 82), the fact will still remain that the greater part of the members of this municipal council had a sacerdotal character, or were indebted to the priestly office which they had filled for the honor of being inscribed upon the Album after the *dumviri* in charge, but before the other magistrates. M. Dumont has established the same fact in reference to Athens (*Éphéb. attique*, i. 137); it was general. See the *Philo-patris*, — included in the works of Lucian, — the ridiculous characters of which are caricatures of actual persons.

¹ Alb. Dumont, *Éphéb. attique*, i. 9, 36, and 39; and Collignon, *De Colleg. ephēborum*.

² Bronze statue in the gallery of Florence.

recovered their speech.¹ Alexander even, the personification of war, had assumed a religious character: he is at this time invoked as the beneficent genius who rescues from witchcraft.²

This turn of mind is seen all through Roman society, both high and low. The provincials, who had replaced in the Senate and in public office the sceptical aristocracy of the last century of the



GOLD COIN.⁴

Republic and the early days of the Empire, wished to believe in something. The Syrian rulers had their minds filled with religious visions. In the third century the Emperors added to their titles that of Pious, *Pius*; ³ the Empresses were styled the "most holy" (*sanctissimae*), and at court as well as in town, men were reading the histories of Philostratus and of Aelian, replete with miracles, and the marvellous Lives of Apollonius and Pythagoras transformed into divine incarnations.⁵ They were no longer content with the ebony door whence old Homer, with his half-smile, caused dreams and sleep and death to issue forth: they sought for that dread passage to rend the veil which hangs behind it, and find there something else than the monotonous pleasures promised by the Graeco-Roman polytheism. They claimed "to penetrate the secrets of the inmost life of God," by determining

¹ Strabo, vii. 327, and Pausanias, I. xvii. 6.

² See, in the reign of Caracalla, the species of worship of which Alexander was the object, and in that of Elagabalus "an apparition of this Genius."

³ In the case of Severus and the Emperors of his house, it was a proper name borrowed from Antoninus Pius, or more properly from Commodus, whose adopted brother Severus declared himself to be. Beginning with Maerinus, it is a qualification which all the Emperors of the third century assume. An inscription of Gallienus (Orelli, No. 1,007) says of him: *Conjux invicta virtus sola deitate superata est*. Another (No. 1,014) styles him *sanctissimus*. Julia Maesa (Or.-Henzen, No. 5,515, and Eckhel, vii. 249) and the wives of Gordian III. (Orelli, No. 977), of Philippus (*C. I. L.* vol. iii. No. 3,718), of Gallienus (Orelli, No. 1,010) are *sanctissimae*. Victorina, mother of the usurper Victorinus, is called *piissima* (*ibid.* No. 1,017). I am aware that *sanctus* in classic Latin signifies pure, chaste, inviolate: but I believe that in the third century the idea of sanctity was added. The imperial house, *domus divina* (in an inscription of the year 202, Wilmanns, 985), affirmed its pagan faith the more in proportion as that was attacked by the Christians. The word *sacer* will become synonymous with imperial, and will soon be applied to all the functions of the Emperor. Cities and individuals follow the example: the curiae of Lyons (Boissieu, pp. 24, 80, 160), of Volcei (Mommsen, *Inscr. N. ep.* No. 218), etc., are called *ordo sanctissimus*, that of Brixia (*C. I. L.* vol. v. No. 4,192) is *piissimus*. The same qualifying epithets are found in the third century in many inscriptions of unimportant persons; for instance, on the monumental slabs of Carthage.

⁴ Septimius Severus the Pious.

⁵ The *Lives of Pythagoras* by Porphyry and Iamblichus are as marvellous as is that of *Apollonius* by Philostratus. They were not as yet written, but these legends already had a wide circulation.

his nature, his attributes and will. All eminent minds joined in the quest of the divine: some by the way of Christianity, others by the neo-platonic school in which the philosophic effort of the pagan world had resulted. Thus, when the wind passes over them, all the ears of the ripening harvest bow in the same direction.

This condition of minds is susceptible of explanation. After centuries of warfare, which had given over to them the earth and its wealth, Roman society had for the two succeeding centuries feasted on pleasures and become surfeited with luxury. Seneca, Epictetus, and the moralists of the Antonine epoch have pictured to us this society wearied with the long development of its luxury, and now falling into satiety, and disdain of the useful and the real. All the great motives were gone. In this Empire, too vast to be a man's country, the sentiment which had so lifted the hearts of the citizens of former times had now for its aliment only interests of an inferior order; hence there was no patriotism towards the Empire. Nor was there any political life; since men could have no share in public affairs, they became indifferent towards them. The grand stream of poetry which Greece had poured forth to the world had become shallow in traversing the Roman wastes, and now it was drying up; the artists were artisans: the poets, arrangers of words; the Vergil of the time, Oppianus of Syria, sang of the chase.¹ Nothing of that which a century before still constituted the fulness of life, now filled the void of their souls. This people of violent action sat down and dreamed. From the glad heights which the Greek genius and a constant prosperity had made brilliant, men had gone down into the dull and chilly lowland, and they were overpowered by insupportable melancholy.

Besides, around them the world seemed to be growing old.² On all sides the horizon will soon be threatening: without, the Barbarians were becoming formidable: within, continual revolutions, of which Rome will no longer be the sole theatre and victim: everywhere the economic life profoundly disturbed and the state

¹ A writer without taste or originality, who must not be confounded with another writer of the same name, Oppianus of Cilicia, author of the *Haliboutica*, or marine fishery, who lived under Marcus Aurelius, and whose work, in 3,596 Greek verses, is one of our best didactic poems. See Bourquin, *La classe et la poésie dans l'antiquité*, 1878.

² This is an expression of Saint Cyprian to Demetrius, *sensisse jam mundum*.

about to be submerged. Confronted by such misfortunes, which seemed the penalty of its past happiness, this society, so long tranquil and joyous, gave itself up to more serious thoughts: it had the anticipations of death which beset old age. In the time of Septimius Severus, the jurists alone excepted, pagans and Christians produce only philosophers and religious writers or theurgists: for the first, Ammonius Saccas, Plotinus, Porphyry, with the subtle doctrines discovered by them in that higher world of mind which Plato had laid open; for the second, Tertullian, Minucius Felix, and Cyprian among the Latins, Irenaeus, Clement of Alexandria, and Origen among the Greeks,—six men who, in other times, would have been the honor of profane literature, and who have continued to be the glory of the Church.

The religious sentiment can never be crushed out by science, because it is indestructible; besides, the two do not pertain to the same world, and do not proceed in the same manner in the formation of ideas. But science may inflict incurable wounds on established creeds; the Roman society not possessing creeds, the supernatural had preserved its power, and a religious reaction had swept away the superficial scepticism of the philosophers, as would have been the case with that of our eighteenth century, had it not found an auxiliary in “the satanic sciences.” From Lucretius to Lucian many had doubted; from Athens to Alexandria, from Rome to Jerusalem, all men now believe: here, in the God-man of the Christian faith or in the *hypostases* of the Alexandrians; there, in the ancient deities who retained their place in the sanctuaries, or in the new gods which the East was continually giving to the Romans.

In speaking thus, we of course leave out of account the crowd which follows without thinking,—that which Lucian in his *Jupiter Tragœdus* has called “the vile mob,”—and consider only those who think, and who, even under the tunic of the slave, are leaders, like Epictetus and Blandina. These are the elect souls who influence others and by whom moral revolutions are accomplished; it is they, consequently, whom we must study.

Those who are styled the Alexandrians attempted an impossible compromise between religion and science. Standing between the spirit of ancient Greece and the Oriental spirit, they wished both

to believe and to know; beginning with dialectics, which can furnish only abstractions incomprehensible to the vulgar, they ended with mysticism,—that is to say, in the midst of clouds, whither the multitude could not follow them. With reference to the great question of the divine unity, for instance, they arrived at an abstract and sterile conception,—a Being forever separate from the world. While the God of the Christians is seen, touched, and enters into daily communion with man, their god is without form, attributes, or name; he is the *immuable*; he is even without intelligence, for intelligence, which supposes a division between the subject comprehending and the object comprehended, would forbid admitting the absolute unity of being in itself. “The gods are impassive,” says Porphyry, “and cannot be turned aside by invocations, expiations, or prayers, . . . since what is impassive can be neither moved nor constrained.” This was the god of Epicurus, devoid of hate, without love and without power,—and, it must also be said, that of Plato in the *Philebus*, and still more that of Aristotle: dwelling apart from the world, of which he knows nothing.

As the Christian has the Trinity, three persons in one God, the Alexandrians have their three hypostases, in which we may see the absolute principle of the Eleatics, the *demiurgos* of Plato, and the god of Aristotle, immovable motor of the world; and of these they essay to form a divine unity.¹ But that which is profound is obscure, and the people pay no regard to it. This Unity which thinks itself without producing, this Intelligence which comprehends the world and does not make it, this Movement which gives life and cannot have cognizance of it,—what is this, in its effect upon the multitudes, when placed by the side of Jehovah whom Moses saw face to face; of the Holy Spirit descending in tongues of fire upon the heads of the apostles and giving the prophetic inspira-

¹ The idea of the Trinity is one of the oldest beliefs of humanity. It is found in Egypt, in Chaldea, among the Etruscans, the Scandinavians, and the Germans, and strange monuments exhibit it to us in the Gallic triads. This myth consisted in the conception of a god one in essence, without being one in person. “This god,” says Maspero (*Histoire ancienne des peuples de l'Orient*, p. 28), speaking of the Egyptian triad, “is father, simply because he is, and the power of his nature is such that he begets eternally without ever becoming enfeebled or exhausted. . . . He is at once the father, the mother, the son. Begotten of God, born of God, without issuing from God, these three persons are God in God, and so far from dividing the unity of the divine nature, all three contribute to his infinite perfection.”

tion; what is it, above all, when compared with Christ, who treads the rugged pathways of life, enduring all the miseries, all the griefs of humanity, — who at Golgotha ransoms it with his blood, who in the garden of Joseph of Arimathæa rends the stone of his sepulchre to teach men that they, like him, are immortal as well in their flesh as in their spirit?

Thus, to escape the anthropomorphism which had been the ruin of the pagan religions, the Alexandrians had suffered themselves to be led by dialectics to an impersonal God having no relation with the earth. But it had indeed been necessary that from this abode of the absolute, of immobility, and consequently of death, they should again come down to the world of life; and they returned with allegories and symbols to produce a revival of popularity for the old mythology which had lost even the poetry of ruins.

Their moral tone is lofty, their lives were pure, they had restored to a position of honor the Pythagorean abstemiousness, and they had institutes in which the most austere rules of monastic observances were enforced. "When the soul came forth from the hand of God," they said, "it was a fall which must be redeemed by holy acts. The great work of piety consists in conquering the body, the source of all the passions, the gross garment in which the soul is captive. Let it, at least in this prison, lead an angelic life (*βίος ἀγγελικὸς ἐν τῷ σώματι*)." "What matters the body to me?" said another: "it is my soul that I shall take away with me when I die." Saint Paul himself was never more severe, and Origen, who committed a half-suicide, used to say: "Who will deliver me from this wretch?" The spirit of struggle against the flesh is the same with both parties.

And what reward did the Alexandrians promise themselves for these austerities? Annihilation in the Infinite Being. "To die is to live," they said with Plato. But this life of an unconscious particle lost in the great All, was real death; while faith gave to the Christian the certainty of personal immortality. Besides, they possessed neither a creed having the authority of the divine word, nor an organization to preserve and extend it, nor discipline to maintain its authority. They had a philosophy, and sought the higher knowledge of things; they had not a religion, a faith, an

absolute rule of conduct, and a promise of redemption. Now, to move and hold the multitude, the most subtle reasonings are useless: feeling and passion are required. These powerful means of acting upon souls were to be found on that road to Calvary marked with the sweat of blood; they were not found in the tranquil gardens of the Academy. This is why humanity at that time deserted the one road for the other, — in which, nevertheless, for the same reasons, some will long continue to walk.

It was the very year of the accession of Severus that Ammonius Saccas, or the Porter, opened the school of Alexandria which for two centuries disputed with Christianity the spiritual supremacy. When Plotinus had heard him, he exclaimed: "This is the man whom I have been seeking." Plotinus was greatly his superior, and was the real founder of that school, at once rational and mystical, which, combining contrary principles, could never exert the victorious influence of a simple and ardent faith. As eclectics, the Alexandrians accepted everything, on condition of interpreting everything. Priests, philosophers, and poets seemed to them to murmur the same thought in different tongues; and this broad comprehensiveness rendered them at the same time superstitious and sceptical. While they were logicians, they placed above reason the dangerous faculty of the visionary, that ecstasy in which man believes he participates in the divine intelligence and sees that which reason is unable to show. Being idealists, with their God inaccessible and solitary, above the summits of human thought, they became pantheists by their system of emanations, which made of all beings — bodies or spirits — "an effluence of the divine substance," as light is an irradiation from the sun. And to this absolute, incomprehensible, ineffable being, from whom everything proceeds and to whom all returns, they rise by prayer, by love. Faith, according to these strange logicians, is far superior to all human wisdom. It leads to theurgy, and that to supernatural inspiration, to ecstasy, which is the ideal of the pagan devotees, because "in ecstasy," said Plotinus, "man possesses all good and lacks nothing; he feels neither pain nor death." We shall find the same words in the mouth of Tertullian, and the same sentiment in the martyrs. The Alexandrians, then, are in many points akin to the Christians. Saint Augustine has recognized this; but

emerging from the ecstasy and from their subtle reasonings, the former fell back into their cold allegories, the latter into their living reality.

Porphyry, the successor of Plotinus, formulating the Platonic doctrine of daimons,¹ admits souls intermediate between the Trinity and man, *archontes* representing the forces of Nature, angels, divine messengers bearing to heaven our prayers and bringing down gifts of grace, and even baleful genii, who impel us to evil. Later, the



CHRIST AND THE TWELVE APOSTLES.²

school will assume to become a church: Iamblichus and Proclus—who styled himself “the priest of Nature”—will be visionaries or thaumaturgists performing miracles, and a rivalry was destined to spring up between these men who contend for the world. A great work of Porphyry against Christianity was the signal of the war to the death which Diocletian declared against it; but Constantine burned the books of the philosopher,³ and Proclus was obliged to escape by voluntary exile the persecution of the Christian Emperors.

¹ See p. 417.

² Martigny, *Dict. des Antiquités chrétiennes*, p. 54. Bottom of a glass bearing this legend: *Petrus cum suis omnes clares ph zosis* (a Greek word taken from the verb ζωω, to live). This mixture of the two languages was not uncommon.

³ See, in the *Cod. Just.* i. 1, 3, 3, an ordinance of the year 449 which condemns all books contrary to the doctrine of Nicaea and Ephesus to be burned, and decrees the penalty of death against those who preserve or read them. Justinian (*Nov.* xlii. 1, sect. 2) renewed these penalties, and this abominable law lasted fourteen centuries. The triumph of the Mussulman theologians in the thirteenth century also resulted in the persecution of the philosophers. The progress of Arab civilization was checked, and night overspread that East whence, for three centuries, had gleamed a quickening light which brought back life to the West. See G. Dugat, *Hist. des philosophes et des théologiens musulmans*, 1878.

This school, which is called that of Alexandria, was scattered over the entire surface of the Roman world. Plotinus teaching in Rome, Porphyry in Sicily, Amelius in Syria, others at Ephesus, at Pergamum, and at Athens, where their disciples struggled to the last moment against Christianity. It was a noble effort of religious philosophy, and its adepts deserve respect for their pure morality. They exhibit, in certain respects, what we shall find among the Christians, — contempt of the body and of earth, divine love, union with God by ecstacy, and all the mystic ardors. This singular condition of men's minds was the moral characteristic of that age of the world, and it could end only in a religious revolution. But the Alexandrians were not destined to profit by this revolution. "You bring nothing new," they said to the Christians, "unless it be your contempt of the gods and of philosophy." They spoke truly. But it was this very contempt which secured victory to the members of the new alliance, to the redeemed of Christ. Let us turn then to the latter, since the future is theirs.¹

¹ On the school of Alexandria see the two learned books of MM. Simon and Vacherot, and the more recent one of Zeller, *Die Philosophie der Griechen in ihrer geschichtlichen Entwicklung*.



